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This Pamphlet Includes Acts Signed
Through April 22, 2021



LexisNexis

Preface

This Advance Legislative Service is provided as part of the annual supplement service to all subscribers to the Tennessee Code Annotated. Depending upon the availability of acts, pamphlets will be issued at approximately monthly intervals.

The acts are reported as received from the Tennessee General Assembly, and any corrections or editorial changes have been made.

This pamphlet contains a summary of public acts passed during the 2021 Regular Session of the 112th Tennessee General Assembly. The text of these acts has been compared with the Tennessee Code Annotated to identify any amendments or corrections that have been made to the Code.

amended, repealed, or otherwise changed. The text of the acts is set forth in the order in which they were passed by the Tennessee General Assembly.

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the effective date of the act. If the act is amended, the amended text is set forth in the margin of the Code. For this information, please refer to the advance Code.

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and void under Tennessee law. If an act is amended, it is deemed to be amended as of the date of its passage. The publisher has prepared the following table of contents.

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July 2021

**This Pamphlet Includes Acts Signed
Through May 27, 2021**



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Prepared by the Editorial Staff of the Publisher

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The acts are reproduced as received by the publisher, and no corrections or editorial changes have been made.

This pamphlet contains a summary of public acts passed during the 2021 Regular Session of the 112th Tennessee General Assembly, the text of these acts, a cumulative table of Tennessee Code Annotated sections which have been amended, repealed, transferred, or added, a table of effective dates, and a cumulative index. The text of acts also contains marginal notes of code sections amended, repealed, transferred, or added, and marginal notes of effective dates. Tennessee Code Annotated section numbers and subsection and subdivision designations are subject to change by the Tennessee Code Commission pursuant to T.C.A. §1-1-108. Section numbers not assigned by the General Assembly are identified by an asterisk in the Table of Sections Affected. In instances where the effective date could not be determined because it is dependent upon some future contingency, an asterisk and footnote have been inserted explaining the contingency.

This pamphlet does not contain notes to recent cases, Attorney General opinions or law review annotations, or Tennessee Code Annotated section corrections or compiler or code commission notes. For this information, please refer to the Advance Code Service.

Please note that any law requiring the expenditure of state funds may be null and void under Tennessee Constitution Art. II, §24, as amended in 1978, unless the first-year funding is approved in the year in which the act is passed.

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519	Requires an LEA to publish its curriculum on the LEA's website and to update curriculum changes at the beginning of each semester.	916
520	Specifies the continuing education credits required for persons acting as a bounty hunter; expands persons prohibited from serving as a bounty hunter in this state; and restricts clothing and representations of a professional bondsman.	917
521	Requires the offering of discounted rates for activities at state parks to veterans who are Tennessee residents and a year-round discount in the amount of no less than 50 percent for camping and overnight cabin lodging fees at state parks to a state-resident veteran who has a service-connected disability that is determined by the veterans' administration to constitute a 100 percent permanent total disability.	919
522	Authorizes, from May 25, 2021, to July 1, 2024, the county trustee to proceed against delinquent taxpayers by retaining an agent to collect delinquent personal property taxes, interest, costs, and attorneys' fees.	921
523	Requires, in jurisdictions that conduct citizen police academies or similar programs, that members of a community oversight board complete the local police force's citizen academy course or program; establishes timeframe for completion and provides that noncompliant member will lose voting privileges until requirement is met.	923
524	Adds chiropractic services performed by a person authorized to engage in the practice of chiropractic to the list of healthcare services that may be included as covered TennCare medical assistance.	925
525	Requires that a person convicted of facilitation of rape of a child or aggravated rape of a child be sentenced to community supervision for life and to serve 100 percent of the sentence imposed before becoming eligible for release, with no more than 15 percent in sentence reduction credits.	926
526	Adds to the child support advisory group two attorneys appointed by the commissioner of human services, one of whom will be an advocate for child support obligors and one of whom will be an advocate for child support obligees.	927
527	Authorizes the department of safety to, without payment of financial consideration and following notice to the commissioner of general services, transfer a surplus first responder two-way radio held by the department to the county government of a county that is designated as a distressed county in the most recently published edition of the Appalachian Regional Commission economic classification system index; authorizes other similar transfers after initial transfer.	928
528	Revises provisions regarding the criminal offense of commission of act of terrorism resulting in the killing of another person and other provisions regarding first degree murder and the sentencing for such offense.	929
529	Increases from \$1,000 to \$1,250 the amount awarded each semester to a full-time student receiving the middle college scholarship.	935
530	Extends the nursing home annual assessment fee to June 30, 2022; revises other related provisions.	936

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531	Limits an administrative agency's authority to promulgate rules without a public hearing.	938
532	Increases from 75 to 90 days that amount of time for which the house or senate government operations committee may stay a rule; authorizes additional 90-day stays by committees acting jointly in certain circumstances.	941
533	Reduces from 24 hours to 16 hours the required amount of continuing professional education for certified municipal finance officers (CMFO); authorizes a municipality to contract with a certified public accountant to act as a CMFO; removes outdated compliance timelines.	942
534	Broadens the definition of "governmental entity" under the Tennessee Governmental Tort Liability Act to include certain 501(c)(4) nonprofit property owners associations that, among other requirements, own and operate a water or sewer distribution service.	944
535	Requires the district attorneys general conference to submit a report to the chairs of the judiciary committee of the senate and the criminal justice committee of the house as to whether separate and secure waiting areas exist within each of the 31 judicial districts along with recommendations to achieve the requirements of law that victims of crime and prosecution witnesses should be provided waiting areas that are separate and secure from the defendant or defense witnesses during all stages of the judicial process.	945
536	Clarifies that the dual enrollment program will award the in-state tuition and mandatory fees cost up to a maximum amount for the first four courses taken and makes other related changes.	946
537	Enacts the "Insurance Modernization Act."	947
538	Adds provisions relative to COVID-19 response to authorize the commissioner of labor and workforce development to take certain actions in regard to unemployment compensation and to authorize the substitution of a copy of certain documentation in regard to transport by sheriff or transportation agent of a person for involuntary admission for mental health treatment.	954
539	Authorizes a clerk to charge a fee of less than \$100 for expunction; expands the offenses for which expunction is permitted; revises other related provisions.	956
540	Enacts the "Firearms Information Privacy Protection Act."	963
541	Clarifies that when a person is serving two or more probationary sentences and the person's probation is revoked on one sentence, then the person must receive credit for time served as a result of that revocation against any other concurrent probationary sentence that is subsequently revoked in any jurisdiction in this state.	965
542	Requires the department to notify the appropriate court when the department has knowledge that a foster parent from a kinship placement violated a court order by allowing a child to visit the child's parent within 96 hours of the department's knowledge of the information.	966
543	Adds Wilson County Promotions, Inc., a not-for-profit corporation, to the entities with which the Tennessee state fair and exposition commission may work to conduct a fair or exposition; provides for the Tennessee state fair being held at the Wilson County fairgrounds.	967

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544	Exempts from jury service, upon request and sufficient proof of age, persons 75 years of age and older who are incapable of providing service due to a mental or physical condition; requires person seeking such exemption to submit a declaration with certain information.	968
545	States that aggravated burglary and especially aggravated burglary are crimes committed against the person; moves the burglary offenses to the chapter that includes offenses against persons.	969
546	Creates a new division of state government, the Tennessee Office of Cooperative Disability Investigation, to operate for three years.	973
547	Requires the department, working jointly with the higher education commission, the board of regents, and public institutions of higher education, to establish a foster care youth outreach pilot program at a minimum of five public institutions of higher education.	978
548	Rewrites the Primacy and Reclamation Act of Tennessee.	980
549	Makes various changes affecting certain professional boards and professions, including court reporters, motor vehicle dealers, barbers, certain apprentices, scrap metal dealers, locksmiths, and other professions.	1042
550	Repeals private acts enacting county boards of health or departments of health; requires commissioner of health to report information regarding certain quarantines to the joint government operations committee, the health committee of the house, and the health and welfare committee of the senate; limits the county health officer's quarantine power; prohibits state or local governmental official, entity, department, or agency requiring physical documentation or digital storage of protected health information related to an individual's immunization or vaccination against COVID-19 as a condition of entering upon the premises of a state or local government entity, or utilizing services provided by a state or local government entity.	1049
551	Adds use of vapor products to the acts that are prohibited in enclosed public places under the Non-Smoker Protection Act; revises provision whereby a local government may prohibit smoking by a distance of up to 50 feet from a hospital's entrance unless the application of a 50-foot limit would place hospital patients in a potentially unsafe condition to make the provision mandatory instead of discretionary and to also apply to the use of vapor products.	1051
552	Enacts the "Tennessee Work Ready Opportunity Program."	1054
553	Enacts the "Tennessee Second Amendment Sanctuary Act."	1055
554	Enacts the "Second Amendment Privacy and Protection Act of 2021,"	1056
555	Revises provisions regarding confidentiality of certain information in records of person arrested or charged but not convicted of an offense and information in accident reports.	1059
556	Clarifies that non-compliance with state and federal anti-discrimination laws is not included in the definition of "illegal activities" as it relates to provisions prohibiting retaliatory termination of an employee.	1061
557	Enacts the "Tennessee Health Services and Planning Act of 2021," which revises various provisions of and renames the Tennessee Health Services and Planning Act of 2002.	1062
558	Provides for the allocation of certain revenue from state and local sales taxes to pay for the capital and operation expenses associated with a motor sports facility.	1098

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559	Adds one month to the current six-month extension of time in which taxpayers can file a franchise and excise tax return.....	1100
560	Revises provisions governing benefits formula under the Tennessee Employment Security Law.....	1101
561	Revises provision governing allocation of sales and use tax revenue to certain commercial development districts in economically distressed counties by clarifying that a county bordering three such distressed counties for purposes of the allocation must have bordered at least three such counties in three fiscal years since fiscal year 2016-2017, if certain requirements met. . .	1110
562	Clarifies that the fiscal review committee must be allowed to review noncompetitive procurement agreements; requires the chief procurement officer to report procurement contracts monthly to the fiscal review committee; revises provisions governing public employees accepting employment with respondent to a solicitation or contractor in certain situations; revises other provisions related to state contracts.	1111
563	Enumerates certain sexual offenses for which there will be no release eligibility.	1114
564	Created a right of appeal in an action brought against this state, a department or agency of this state, or an official of this state in their official capacity that challenges the constitutionality of a state statute, whereby the state may appeal as of right from an interlocutory order of a circuit or chancery court of this state that grants, continues, or modifies an injunction or denies a motion to dissolve or modify an injunction.....	1117
565	Makes various changes to laws regulating physician assistants..	1118
566	Establishes process for three-judge panel hearing civil actions in which the complaint challenges the constitutionality of a statute, executive order, or rule; includes a claim for declaratory judgment or injunctive relief; and is brought against the state, a state department or agency, or a state official acting in their official capacity.....	1135
567	Requires a foster care agency to provide a child in foster care with contact information for each sibling who is also in foster care and who is not placed in the same home as the child if maintaining contact with the sibling is in the best interests of each sibling.	1138
568	Enacts "Eli's Law," which creates a presumption that any child born to a parent, from whose custody a child has previously been removed for being dependent or neglected and the child who was previously removed is in the custody of the department of children's services, may be dependent or neglected and that it is in the best interest of both children that the child's birth be brought to the court's attention; enacts other related provisions.	1139
569	Revises various provisions governing pharmacy benefits and pharmacy benefits managers.....	1140
570	Revises various provisions regarding mileage allowance and expense allowances.	1145
571	Requires the state board of education to approve a process for an LEA, or for two or more LEAs working together, to establish a LEA teacher training program.	1147
572	Repeals the Locksmith Licensing Act of 2006.....	1149
573	Increases the penalty for drag racing from a Class B misdemeanor to a Class A misdemeanor.	1150

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574	Authorizes a municipality, a county, or a county having a metropolitan form of government to prohibit the use of tobacco products or vapor products, or both, on the grounds of a public park, public playground, or public greenway as long as the public park, public playground, or public greenway is owned or controlled by the respective municipality or county.	1151
575	Creates the state as a model employer (SAME) program within the department to ensure certain employment practices in regard to individuals with disabilities.	1153
576	Requires the department to increase the hourly wage for direct care professionals employed at contracted agencies of the department for the home and community-based waiver programs for persons with intellectual and developmental disabilities, or any successor programs, such that on July 1, 2021, the hourly wage is at least \$12.50 per hour.	1155
577	Creates the medical cannabis commission; exempts from the definition of marijuana oil containing the substance cannabidiol, with less than 0.9% of THC for use by a person with certain health issues, if certain other requirements met.	1156
578	Enacts the "School Turnaround Pilot Program Act."	1164
579	Authorizes various new special license plates and grants additional time for certain plates to meet the minimum order requirement; revises other special license plate provisions.	1171
580	Revises offense of aggravated cruelty to animals.	1189
581	Requires that any employee of the twenty-first judicial district who transfers to the same position in the thirty-second judicial district as of September 1, 2022, must retain the same level of salary and benefits, subject to appropriation by the general assembly in the annual appropriations act.	1190
582	Increases, from 30 to 35 years, the maximum time period during which a certain portion of state sales taxes are allocated and distributed to a municipality or industrial development corporation that finances development of an extraordinary retail or tourism facility project in a certified border region retail tourism development district.	1191
583	Increases membership of commission from five to seven members; revises other provisions regarding appointments and panels.	1192
584	Establishes provisions governing specific service signs where more than six businesses of a specific service type are eligible for sign panels.	1195
585	Requires the Tennessee advisory commission on intergovernmental relations (TACIR) to study the feasibility of creating a state gold depository and to report its findings to the speakers of the senate and house of representatives no later than January 1, 2022.	1196
586	Authorizes district attorney general to petition court for protective order prohibiting defendant and defendant's counsel from publishing certain information in certain circumstances; penalizes violation of such an order as Class E felony.	1197
587	Requires the University of Tennessee College of Medicine and the East Tennessee State University Quillen College of Medicine, in cooperation with the department of health and THEC, to administer certain residency opportunities; creates a resident training program to provide resident training opportunities for physicians focusing on family medicine and general internal medicine to provide medical and behavioral health services in medically underserved areas and rural counties, distributed across all three grand divisions of this state.	1199

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588	Alters the boundary between Davidson and Wilson counties in such manner as to detach certain parcels of real property currently located in Davidson County and to attach such parcels to Wilson County.	1202
589	Requires an LEA to allocate prorated daily per pupil state and local funding to an out-of-state residential mental health facility if a student of the LEA is admitted to the facility and certain conditions are met.	1203
590	Makes it a Class A misdemeanor for a person to attempt to access or obtain confidential information from the department of children’s services regarding alleged child abuse or neglect that the person knows is in violation of state or federal laws and regulations regarding confidentiality.....	1206
591	Extends provisions related to the apportionment and distribution of state tax revenue as they pertain to National Hockey League franchises until June 30, 2049.....	1207
592	Creates a sales tax holiday for the retail sale of gun safes and gun safety devices if sold between 12:01 a.m. on July 1, 2021, and 11:59 p.m. on June 30, 2022.	1208
593	Transfers all powers and duties regarding the Tennessee Sports Gaming Act to the sports wagering advisory council.....	1209
594	Authorizes the treasurer to establish a length of service award program for eligible employers to participate in a deferred compensation plan for bona fide volunteers.....	1216
595	Enacts the “K-12 Mental Health Trust Fund Act.”	1219

CUMULATIVE TABLE OF SECTIONS AFFECTED

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1-1-108	Amended	64	sb0785	1	03-29-21	1
1-2-114	Amended	33	sb0108	1	03-23-21	1
2-3-101	Amended	194	sb0541	1	04-22-21	1
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2-3-302	Amended	419	hb1178	2, 3	01-01-22	2
2-3-304	Amended	194	sb0541	4	04-22-21	1
2-3-308	Amended	419	hb1178	4	01-01-22	2
2-5-207	Amended	374	sb1315	2, 3	01-01-22	2
2-6-202	Amended	374	sb1315	4	01-01-22	2
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2-6-601	Amended	233	hb1098	1-3	04-22-21	2
2-7-143	Amended	93	hb0500	1	07-01-21	1
2-10-110	Amended	487	sb1120	1	05-18-21	2
2-10-209	Amended	302	sb0626	1	05-04-21	2
2-10-302	Amended	487	sb1120	4	05-18-21	2
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2-10-312	Added*	487	sb1120	3	05-18-21	2
2-11-114	Added*	306	sb1534	1	05-04-21	2
2-12-102	Amended	292	hb0722	1	07-01-21	2
2-12-118	Added*	306	sb1534	2	05-04-21	2
3-1-102	Amended	194	sb0541	5	04-22-21	1
3-1-103	Amended	194	sb0541	6	04-22-21	1
3-1-106	Amended	570	hb1401	1	05-26-21	2
3-1-106	Amended	570	hb1401	2-7	11-08-22	2
3-1-117	Added*	514	hb0129	1	05-25-21	2
3-5-101	Amended	64	sb0785	2	03-29-21	1
3-7-112	Amended	562	hb1046	1	05-26-21	2
3-9-101,						
3-9-102	Amended	303	sb0708	1	07-01-21	2
3-9-103	Amended	303	sb0708	2	07-01-21	2
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3-17-102	Amended	473	sb0664	1	07-01-21	2
3-17-103	Amended	1	sb0004	1	03-23-21	1
3-17-104	Amended	295	hb0820	1-3	07-01-21	2
3-17-106	Amended	295	hb0820	4	07-01-21	2
3-17-115	Amended	473	sb0664	2	07-01-21	2
4-1-302	Amended	296	hb0938	1	04-30-21	2
4-1-303	Amended	118	sb0254	1	04-13-21	1
4-1-421	Added*	58	sb0243	1	03-29-21	1
4-3-101	Amended	12	sb0051	2	03-23-21	1
4-3-101	Amended	42	sb0049	2	03-29-21	1
4-3-101	Amended	43	sb0050	2	03-29-21	1
4-3-101	Amended	318	hb0317	2	05-04-21	2
4-3-305	Amended	256	sb0534	1-3	04-28-21	2

*Section numbers supplied by the publisher and the code commission.

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4-3-401	Amended	43	sb0050	2	03-29-21	1
4-3-701	Amended	42	sb0049	2	03-29-21	1
4-3-1013	Amended	64	sb0785	3	03-29-21	1
4-3-1016	Amended	548	sb0742	1	05-26-21	2
4-3-1304	Amended	294	hb0781	10	07-01-21	2
4-3-1601	Amended	12	sb0051	2	03-23-21	1
4-3-2711	Amended	46	sb0085	2	03-29-21	1
4-3-3003	Added*	268	sb1132	1	04-30-21	2
4-3-5101	Amended	315	hb0293	2	05-04-21	2
4-5-201	Amended	531	hb0568	1	07-01-21	2
4-5-202	Amended	531	hb0568	2	07-01-21	2
4-5-203	Amended	531	hb0568	3-5	07-01-21	2
4-5-204	Amended	531	hb0568	6	07-01-21	2
4-5-205	Amended	531	hb0568	7	07-01-21	2
4-5-211	Amended	291	hb0567	1	07-01-21	2
4-5-213	Added*	328	hb0566	1	07-01-21	2
4-5-215	Amended	532	hb0570	1	05-25-21	2
4-5-222	Amended	531	hb0568	8	07-01-21	2
4-5-226	Amended	531	hb0568	9, 10	07-01-21	2
4-5-231	Amended	493	sb0623	36	05-25-21	2
4-5-322	Amended	461	sb0212	4	05-18-21	2
4-5-325	Amended	403	hb0079	1	05-12-21	2
4-5-402	Amended	531	hb0568	11-13	07-01-21	2
4-5-403	Amended	531	hb0568	14	07-01-21	2
4-8-403	Amended	175	hb0220	1	04-20-21	1
4-10-102	Amended	30	sb0079	2	03-23-21	1
4-10-115	Added*	503	sb1323	1	05-25-21	2
4-13-201	Amended	16	sb0057	2	03-23-21	1
4-14-301	Amended	52	sb0093	2	03-29-21	1
4-16-101,						
4-16-102	Repealed	194	sb0541	7	04-22-21	1
4-24-201	Amended	478	sb0778	1	07-01-21	2
4-24-202	Amended	478	sb0778	2	07-01-21	2
4-25-101 -						
4-25-108	Repealed	279	sb0746	1	05-03-21	2
4-28-102	Amended	510	sb1552	1	05-25-21	2
4-28-108	Amended	510	sb1552	2	05-25-21	2
4-28-109	Amended	510	sb1552	3, 4	05-25-21	2
4-28-115	Amended	510	sb1552	5	05-25-21	2
4-29-104	Amended	404	hb0573	1	07-01-21	2
4-29-125	Added*	37	sb1123	1	03-23-21	1
4-29-239	Amended	548	sb0742	1	05-26-21	2
4-29-241	Amended	209	sb1079	1	04-22-21	2
4-29-241	Amended	325	hb0493	1	05-04-21	2
4-29-242	Amended	2	sb0033	1	03-23-21	1
4-29-242	Amended	3	sb0034	1	03-23-21	1
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4-29-242	Amended	5	sb0036	1	03-23-21	1
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4-29-242	Amended	7	sb0039	1	03-23-21	1
4-29-242	Amended	8	sb0041	1	03-23-21	1
4-29-242	Amended	9	sb0042	1	03-23-21	1

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4-29-242	Amended	10	sb0043	1	03-23-21	1
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4-29-242	Amended	12	sb0051	1	03-23-21	1
4-29-242	Amended	13	sb0052	1	03-23-21	1
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4-29-242	Amended	18	sb0060	1	03-23-21	1
4-29-242	Amended	19	sb0062	1	03-23-21	1
4-29-242	Amended	20	sb0063	1	03-23-21	1
4-29-242	Amended	21	sb0064	1	03-23-21	1
4-29-242	Amended	22	sb0067	1	03-23-21	1
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4-29-242	Amended	24	sb0069	1	03-23-21	1
4-29-242	Amended	25	sb0070	1	03-23-21	1
4-29-242	Amended	26	sb0071	1	03-23-21	1
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4-29-242	Amended	28	sb0074	1	03-23-21	1
4-29-242	Amended	29	sb0078	1	03-23-21	1
4-29-242	Amended	30	sb0079	1	03-23-21	1
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4-29-242	Amended	42	sb0049	1	03-29-21	1
4-29-242	Amended	43	sb0050	1	03-29-21	1
4-29-242	Amended	44	sb0083	1	03-29-21	1
4-29-242	Amended	45	sb0084	1	03-29-21	1
4-29-242	Amended	46	sb0085	1	03-29-21	1
4-29-242	Amended	47	sb0086	1	03-29-21	1
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4-29-242	Amended	81	hb0254	1	03-31-21	1
4-29-242	Amended	82	hb0257	1	03-31-21	1
4-29-242	Amended	109	sb0066	1	04-13-21	1
4-29-242	Amended	110	sb0075	1	04-13-21	1
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4-29-242	Amended	224	hb0298	1	04-22-21	2
4-29-242	Amended	239	sb0044	1	04-28-21	2
4-29-242	Amended	288	hb0267	1	04-30-21	2
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4-29-242	Amended	315	hb0293	1	05-04-21	2
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4-29-242	Amended	318	hb0317	1	05-04-21	2
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4-29-242	Amended	565	hb1080	1	05-26-21	2
4-29-243	Amended	203	sb0719	4	04-22-21	2
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4-29-243	Amended	349	sb0046	2	06-30-21	2
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4-29-244	Amended	75	hb0311	2	03-29-21	1
4-29-244	Amended	145	sb1084	1	04-13-21	1
4-29-244	Amended	159	sb0076	2	04-20-21	1
4-29-244	Amended	160	sb0101	1	04-20-21	1
4-29-244	Amended	224	hb0298	2	04-22-21	2
4-29-244	Amended	288	hb0267	2	04-30-21	2
4-29-244	Amended	318	hb0317	2	05-04-21	2
4-29-244	Amended	557	hb0948	3	10-01-21	2
4-29-244	Amended	577	sb0118	2	05-27-21	2
4-29-244	Amended	352	sb0161	2	05-11-21	2
4-29-245	Amended	81	hb0254	2	03-31-21	1
4-29-245	Amended	294	hb0781	11	04-30-21	2
4-29-245	Amended	557	hb0948	4	10-01-21	2
4-29-245	Amended	565	hb1080	2	05-26-21	2
4-29-245	Amended	593	sb0588	29	01-01-22	2
4-29-246	Amended	12	sb0051	2	03-23-21	1
4-29-246	Amended	21	sb0064	2	03-23-21	1
4-29-246	Amended	29	sb0078	2	03-23-21	1
4-29-246	Amended	32	sb0081	2	03-23-21	1
4-29-246	Amended	41	sb0030	2	03-29-21	1
4-29-246	Amended	42	sb0049	2	03-29-21	1
4-29-246	Amended	43	sb0050	2	03-29-21	1
4-29-246	Amended	44	sb0083	2	03-29-21	1
4-29-246	Amended	52	sb0093	2	03-29-21	1
4-29-246	Amended	53	sb0094	2	03-29-21	1
4-29-246	Amended	73	hb0280	2	03-29-21	1
4-29-246	Amended	109	sb0066	2	04-13-21	1
4-29-246	Amended	111	sb0082	2	04-13-21	1
4-29-246	Amended	209	sb1079	2	04-22-21	2
4-29-246	Amended	303	sb0708	4	07-01-21	2
4-29-246	Amended	316	hb0312	2	05-04-21	2
4-29-247	Amended	3	sb0034	2	03-23-21	1
4-29-247	Amended	4	sb0035	2	03-23-21	1
4-29-247	Amended	5	sb0036	2	03-23-21	1
4-29-247	Amended	6	sb0037	2	03-23-21	1
4-29-247	Amended	7	sb0039	2	03-23-21	1
4-29-247	Amended	8	sb0041	2	03-23-21	1
4-29-247	Amended	9	sb0042	2	03-23-21	1
4-29-247	Amended	10	sb0043	2	03-23-21	1

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4-29-247	Amended	11	sb0047	2	03-23-21	1
4-29-247	Amended	13	sb0052	2	03-23-21	1
4-29-247	Amended	15	sb0056	2	03-23-21	1
4-29-247	Amended	17	sb0058	2	03-23-21	1
4-29-247	Amended	18	sb0060	2	03-23-21	1
4-29-247	Amended	25	sb0070	2	03-23-21	1
4-29-247	Amended	26	sb0071	2	03-23-21	1
4-29-247	Amended	45	sb0084	2	03-29-21	1
4-29-247	Amended	46	sb0085	2	03-29-21	1
4-29-247	Amended	54	sb0096	2	03-29-21	1
4-29-247	Amended	71	hb0264	2	03-29-21	1
4-29-247	Amended	72	hb0272	2	03-29-21	1
4-29-248	Amended	16	sb0057	2	03-23-21	1
4-29-248	Amended	22	sb0067	2	03-23-21	1
4-29-248	Amended	23	sb0068	2	03-23-21	1
4-29-248	Amended	24	sb0069	2	03-23-21	1
4-29-248	Amended	27	sb0073	2	03-23-21	1
4-29-248	Amended	28	sb0074	2	03-23-21	1
4-29-248	Amended	31	sb0080	2	03-23-21	1
4-29-248	Amended	48	sb0087	2	03-29-21	1
4-29-248	Amended	50	sb0089	2	03-29-21	1
4-29-248	Amended	74	hb0286	2	03-29-21	1
4-29-248	Amended	82	hb0257	2	03-31-21	1
4-29-248	Amended	110	sb0075	2	04-13-21	1
4-29-248	Amended	239	sb0044	2	04-28-21	2
4-29-248	Amended	312	hb0258	2	05-04-21	2
4-29-248	Amended	313	hb0278	2	05-04-21	2
4-29-248	Amended	314	hb0284	2	05-04-21	2
4-29-248	Amended	315	hb0293	2	05-04-21	2
4-29-248	Amended	317	hb0315	2	05-04-21	2
4-29-249	Amended	19	sb0062	2	03-23-21	1
4-29-250	Added	2	sb0033	2	03-23-21	1
4-29-250	Amended	20	sb0063	2	03-23-21	1
4-29-250	Amended	30	sb0079	2	03-23-21	1
4-29-250	Amended	47	sb0086	2	03-29-21	1
4-29-250	Amended	51	sb0090	2	03-29-21	1
4-45-101 –						
4-45-108	Added	546	hb1538	1	07-01-21	2
4-46-101 –						
4-46-103	Added*	575	sb0100	1	05-27-21	2
4-49-101 –	Renun-					
4-49-104	bered	593	sb0588	30	01-01-22	2
4-49-105	Amended	593	sb0588	29	01-01-22	2
4-49-105 –	Renun-					
4-49-130	bered	593	sb0588	30	01-01-22	2
4-51-109	Amended	64	sb0785	4	03-29-21	1
4-51-111	Amended	64	sb0785	5	03-29-21	1
4-51-301	Amended	593	sb0588	27	01-01-22	2
	Renun-					
4-51-301	bered	593	sb0588	30	01-01-22	2
4-51-302	Amended	593	sb0588	1	01-01-22	2

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4-51-302,	Renum-					
4-51-303	bered	593	sb0588	30	01-01-22	2
4-51-304	Amended	593	sb0588	2	01-01-22	2
	Renum-					
4-51-304	bered	593	sb0588	30	01-01-22	2
4-51-305	Amended	593	sb0588	3-5	01-01-22	2
	Renum-					
4-51-305	bered	593	sb0588	30	01-01-22	2
4-51-306	Amended	593	sb0588	6	01-01-22	2
4-51-306,	Renum-					
4-51-307	bered	593	sb0588	30	01-01-22	2
4-51-308	Amended	593	sb0588	7	01-01-22	2
	Renum-					
4-51-308	bered	593	sb0588	30	01-01-22	2
4-51-309	Amended	593	sb0588	7	01-01-22	2
	Renum-					
4-51-309	bered	593	sb0588	30	01-01-22	2
4-51-310	Amended	593	sb0588	8	01-01-22	2
4-51-310,	Renum-					
4-51-311	bered	593	sb0588	30	01-01-22	2
4-51-312	Amended	593	sb0588	9	01-01-22	2
4-51-312,	Renum-					
4-51-313	bered	593	sb0588	30	01-01-22	2
4-51-314	Amended	593	sb0588	10	01-01-22	2
	Renum-					
4-51-314	bered	593	sb0588	30	01-01-22	2
4-51-315	Amended	593	sb0588	11	01-01-22	2
	Renum-					
4-51-315	bered	593	sb0588	30	01-01-22	2
4-51-316	Amended	593	sb0588	12	01-01-22	2
	Renum-					
4-51-316	bered	593	sb0588	30	01-01-22	2
4-51-317	Amended	593	sb0588	13, 14	01-01-22	2
	Renum-					
4-51-317	bered	593	sb0588	30	01-01-22	2
4-51-318	Amended	593	sb0588	15	01-01-22	2
	Renum-					
4-51-318	bered	593	sb0588	30	01-01-22	2
4-51-319	Amended	593	sb0588	16	01-01-22	2
	Renum-					
4-51-319	bered	593	sb0588	30	01-01-22	2
4-51-320	Amended	593	sb0588	17	01-01-22	2
	Renum-					
4-51-320	bered	593	sb0588	30	01-01-22	2
4-51-321	Amended	593	sb0588	18	01-01-22	2
	Renum-					
4-51-321	bered	593	sb0588	30	01-01-22	2
4-51-322	Amended	593	sb0588	19	01-01-22	2
	Renum-					
4-51-322	bered	593	sb0588	30	01-01-22	2
4-51-323	Amended	593	sb0588	20	01-01-22	2

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4-51-323	Renumbered	593	sb0588	30	01-01-22	2
4-51-324	Amended	593	sb0588	21	01-01-22	2
4-51-324	Renumbered	593	sb0588	30	01-01-22	2
4-51-325	Amended	593	sb0588	22, 28	01-01-22	2
4-51-325	Renumbered	593	sb0588	30	01-01-22	2
4-51-326	Amended	593	sb0588	23	01-01-22	2
4-51-326	Renumbered	593	sb0588	30	01-01-22	2
4-51-327	Amended	593	sb0588	24	01-01-22	2
4-51-327	Renumbered	593	sb0588	30	01-01-22	2
4-51-328	Amended	593	sb0588	25	01-01-22	2
4-51-328	Renumbered	593	sb0588	30	01-01-22	2
4-51-329	Amended	593	sb0588	26	01-01-22	2
4-51-329,	Renumbered	593	sb0588	30	01-01-22	2
4-51-330	Amended	279	sb0746	2	05-03-21	2
4-56-103	Amended	562	hb1046	2, 3	05-26-21	2
4-56-107	Amended	193	sb0540	1-3	04-22-21	1
4-56-108	Amended	543	hb1286	1	05-25-21	2
4-57-105	Amended	262	sb0786	1	04-28-21	2
5-1-111	Added*	339	hb1336	1	05-04-21	2
5-1-133	Added*	343	hb1558	1	04-18-22	2
5-1-134	Amended	543	hb1286	2	05-25-21	2
5-9-102	Amended	203	sb0719	5	04-22-21	2
5-9-106	Added*	390	hb0240	1	01-01-22	2
5-9-114	Amended	200	sb0614	1	04-22-21	1
5-16-103	Amended	472	sb0656	1	05-18-21	2
5-21-121	Amended	285	hb0085	1	04-30-21	2
6-51-115	Amended	297	hb0968	1	04-30-21	2
6-54-118	Amended	309	hb0215	2	07-01-22	2
6-54-145	Added*	339	hb1336	2	05-04-21	2
6-54-147	Amended	127	sb0537	1	04-13-21	1
6-54-903	Amended	533	hb0656	1	05-25-21	2
6-56-404	Amended	533	hb0656	2	05-25-21	2
6-56-406	Amended	203	sb0719	6	04-22-21	2
6-58-104	Amended	433	sb0224	1-5	05-13-21	2
6-58-114	Amended	558	hb0975	1	07-01-21	2
7-3-202	Amended	264	sb0852	1, 2	04-30-21	2
7-4-101	Amended	128	sb0539	1	04-13-21	1
7-34-111	Amended	582	sb0241	1	05-27-21	2
7-40-103	Amended	582	sb0241	2	05-27-21	2
7-40-104	Amended	582	sb0241	3	05-27-21	2
7-40-106	Amended	582	sb0241	4	05-27-21	2
7-40-108	Amended	142	sb0995	1, 2	04-13-21	1
7-51-209	Amended	470	sb0610	1	05-18-21	2
7-51-1701	Amended	297	hb0968	2	04-30-21	2
7-53-101	Amended	228	hb0831	1	07-01-21	2
7-53-301						

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7-61-101	Amended	212	sb1597	1	04-22-21	2
7-61-102	Amended	212	sb1597	2	04-22-21	2
7-61-103,						
7-61-104	Repealed	212	sb1597	3	04-22-21	2
7-82-309	Amended	127	sb0537	2	04-13-21	1
7-82-401	Amended	226	hb0651	1	04-22-21	2
7-82-501	Amended	256	sb0534	4	04-28-21	2
7-86-114	Amended	128	sb0539	2	04-13-21	1
7-86-302	Amended	73	hb0280	2	03-29-21	1
7-88-117	Amended	466	sb0424	1, 2	07-01-21	2
8-4-103	Added*	194	sb0541	8	04-22-21	1
8-4-203	Amended	442	sb0536	1	05-13-21	2
8-7-108	Amended	535	hb0744	1	07-01-21	2
8-7-315	Amended	64	sb0785	6	03-29-21	1
8-14-104	Amended	64	sb0785	7	03-29-21	1
8-14-308	Amended	64	sb0785	8	03-29-21	1
8-19-101	Amended	232	hb1097	1	04-22-21	2
8-21-205	Amended	295	hb0820	5	07-01-21	2
8-21-401	Amended	475	sb0688	1	07-01-21	2
8-21-401	Amended	539	hb0888	1, 2	07-01-21	2
8-21-409	Amended	475	sb0688	2	07-01-21	2
8-25-115	Added*	594	sb0655	1	05-27-21	2
8-25-203	Amended	303	sb0708	5	07-01-21	2
8-25-303	Amended	416	hb1016	1	07-01-21	2
8-27-203	Amended	303	sb0708	6	07-01-21	2
8-27-205	Amended	518	hb0202	1	05-25-21	2
8-27-404	Amended	424	hb1373	1	05-12-21	2
8-27-507	Repealed	360	sb0989	1	07-01-21	2
8-27-608	Repealed	360	sb0989	2	07-01-21	2
8-27-901 –						
8-27-909	Added	360	sb0989	3	07-01-21	2
8-33-110	Amended	284	hb0082	1	07-01-21	2
8-34-302	Amended	303	sb0708	7	07-01-21	2
8-34-505	Amended	303	sb0708	8	07-01-21	2
8-34-607	Added*	382	sb1520	1	07-01-21	2
8-35-248	Amended	156	sb0008	1	04-20-21	1
8-36-124	Amended	303	sb0708	9	07-01-21	2
8-36-203	Amended	251	sb0405	1	04-28-21	2
8-36-205	Amended	486	sb1114	2	01-01-22	2
8-36-310	Added*	486	sb1114	1	01-01-22	2
8-36-714	Amended	64	sb0785	9	03-29-21	1
8-36-809	Added*	499	sb1185	1	05-25-21	2
8-36-903	Amended	251	sb0405	2	04-28-21	2
8-36-922	Amended	251	sb0405	3	04-28-21	2
8-37-104	Amended	303	sb0708	10	07-01-21	2
8-37-114	Amended	303	sb0708	11	07-01-21	2
8-37-210	Amended	251	sb0405	4	04-28-21	2
8-37-214	Amended	251	sb0405	5	04-28-21	2
8-37-220	Amended	251	sb0405	6	04-28-21	2
8-50-501	Amended	562	hb1046	4	05-26-21	2
8-50-502	Amended	347	hb1040	3	07-01-21	2
8-50-812	Added*	427	hb1578	1	07-01-21	2

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8-50-1301	Added*	238	sb0022	1	04-28-21	2
9-4-210	Amended	412	hb0841	1	05-12-21	2
9-4-213	Amended	64	sb0785	10	03-29-21	1
9-4-301	Amended	172	hb0076	1, 2	04-20-21	1
9-4-504	Amended	393	hb0505	1	05-11-21	2
9-4-1301 -						
9-4-1305	Added*	491	hb1132	2	05-24-21	2
9-4-5203	Amended	457	sb0911	1	05-17-21	2
9-4-5406	Added*	192	sb0485	1	04-22-21	1
9-8-103	Added*	366	sb1151	1	05-11-21	2
9-8-108	Amended	98	sb0372	1	04-07-21	1
9-8-109	Amended	366	sb1151	2	05-11-21	2
9-21-105	Amended	128	sb0539	3-5	04-13-21	1
9-21-127	Amended	128	sb0539	6	04-13-21	1
9-21-132	Amended	128	sb0539	7	04-13-21	1
9-21-134	Amended	128	sb0539	8	04-13-21	1
9-21-205	Amended	128	sb0539	9	04-13-21	1
9-21-403	Amended	256	sb0534	5, 6	04-28-21	2
9-21-404	Amended	256	sb0534	7	04-28-21	2
9-21-408	Amended	128	sb0539	10	04-13-21	1
9-21-601	Amended	128	sb0539	11	04-13-21	1
9-21-602	Amended	128	sb0539	12	04-13-21	1
9-21-604	Amended	128	sb0539	13	04-13-21	1
9-21-605	Repealed	128	sb0539	14	04-13-21	1
9-21-606	Amended	128	sb0539	15	04-13-21	1
9-21-607	Amended	128	sb0539	16	04-13-21	1
9-21-608	Repealed	128	sb0539	17	04-13-21	1
9-21-609	Amended	128	sb0539	18	04-13-21	1
9-21-610	Repealed	128	sb0539	19	04-13-21	1
9-21-612	Amended	128	sb0539	20	04-13-21	1
9-21-901	Amended	128	sb0539	21	04-13-21	1
9-21-1001	Amended	128	sb0539	22	04-13-21	1
9-24-101 -						
9-24-106	Added	196	sb0547	1	04-22-21	1
10-1-103	Amended	249	sb0311	1	07-01-22	2
10-1-109	Amended	249	sb0311	2	07-01-22	2
10-3-103	Amended	249	sb0311	3	07-01-22	2
10-5-101	Amended	249	sb0311	4	07-01-22	2
10-5-102 -						
10-5-106	Repealed	249	sb0311	5	07-01-22	2
10-7-201	Amended	449	sb0881	2	07-01-21	2
10-7-404	Amended	447	sb0832	1, 2	05-13-21	2
10-7-503	Amended	242	sb0135	1	04-28-21	2
10-7-503	Amended	337	hb1049	1	05-04-21	2
10-7-504	Amended	201	sb0699	1	04-22-21	2
10-7-504	Amended	253	sb0475	1, 2	04-28-21	2
10-7-504	Amended	304	sb1285	1	07-01-21	2
10-7-504	Amended	333	hb0851	1	05-04-21	2
10-7-504	Amended	391	hb0368	1	05-11-21	2
10-7-504	Amended	555	hb0910	1, 2	05-26-21	2
11-1-101	Amended	135	sb0741	1	04-13-21	1
11-1-118	Added*	482	sb1075	1	05-18-21	2

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11-3-107	Amended	135	sb0741	2	04-13-21	1
11-3-116	Added*	38	sb1583	1	03-23-21	1
11-3-121	Amended	521	hb0322	1	07-01-21	2
11-4-201	Amended	28	sb0074	2	03-23-21	1
11-4-501	Amended	24	sb0069	2	03-23-21	1
11-8-104	Amended	19	sb0062	2	03-23-21	1
11-11-203	Amended	103	sb1046	2	04-07-21	1
12-2-117	Amended	36	sb0744	1, 2	07-01-21	1
12-2-123	Amended	173	hb0099	1	04-20-21	1
12-2-403	Amended	527	hb0488	1	05-25-21	2
12-3-305	Amended	279	sb0746	3	05-03-21	2
12-3-504	Amended	562	hb1046	5	05-26-21	2
12-3-1207	Amended	321	hb0388	1	05-04-21	2
12-3-1212	Amended	310	hb0235	5, 6	07-01-21	2
12-4-103	Amended	347	hb1040	1, 2	07-01-21	2
12-4-104	Amended	562	hb1046	6	05-26-21	2
12-4-113	Amended	279	sb0746	4	05-03-21	2
12-4-118	Amended	279	sb0746	5	05-03-21	2
12-10-116	Amended	128	sb0539	23	04-13-21	1
13-3-410	Amended	39	hb0407	1-3	03-23-21	1
13-3-414	Added*	300	sb0271	1	07-01-21	2
13-4-306	Amended	39	hb0407	4-6	03-23-21	1
13-26-102	Amended	11	sb0047	2	03-23-21	1
13-26-102	Amended	13	sb0052	2	03-23-21	1
13-26-102	Amended	15	sb0056	2	03-23-21	1
13-26-102	Amended	17	sb0058	2	03-23-21	1
13-26-102	Amended	18	sb0060	2	03-23-21	1
13-26-102	Amended	22	sb0067	2	03-23-21	1
13-26-102	Amended	23	sb0068	2	03-23-21	1
13-26-102	Amended	25	sb0070	2	03-23-21	1
13-26-102	Amended	54	sb0096	2	03-29-21	1
13-26-103	Amended	463	sb0280	1	05-18-21	2
13-26-104	Amended	463	sb0280	2	05-18-21	2
13-26-108	Repealed	463	sb0280	3	05-18-21	2
13-26-110	Amended	131	sb0599	1	04-13-21	1
13-26-111	Amended	463	sb0280	4	05-18-21	2
15-2-135	Added*	35	sb0390	1	03-23-21	1
15-2-136	Added*	68	sb1419	1	03-29-21	1
15-2-137	Added*	89	hb0394	1	04-07-21	1
15-2-138	Added*	95	hb0826	1	04-07-21	1
15-2-139	Added*	132	sb0617	1	07-01-21	1
15-2-140	Added*	167	sb0316	1	04-20-21	1
16-1-117	Amended	64	sb0785	11	03-29-21	1
16-1-119	Amended	64	sb0785	12	03-29-21	1
16-2-506	Amended	581	sb0222	1	05-27-21	2
16-3-803	Amended	64	sb0785	13	03-29-21	1
16-3-901	Amended	21	sb0064	2	03-23-21	1
16-15-209	Amended	266	sb0886	1	07-01-21	2
16-15-5002	Amended	254	sb0505	1	04-28-21	2
16-18-311	Amended	64	sb0785	14	03-29-21	1
16-21-111	Amended	64	sb0785	15	03-29-21	1
16-22-103	Amended	409	hb0784	1, 2	07-01-21	2

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17-1-107	Amended	64	sb0785	16	03-29-21	1
17-2-309	Amended	64	sb0785	17	03-29-21	1
17-5-201	Amended	111	sb0082	2	04-13-21	1
17-5-202	Amended	64	sb0785	18	03-29-21	1
18-1-105	Amended	446	sb0829	1	07-01-21	2
20-5-106	Amended	379	sb1370	2	05-11-21	2
20-9-611	Amended	549	sb0771	1, 2	10-01-21	2
20-9-612	Amended	549	sb0771	3	10-01-21	2
20-13-201	Added*	491	hb1132	17	05-24-21	2
20-13-202	Added*	491	hb1132	18	05-24-21	2
20-13-203	Added*	491	hb1132	19	05-24-21	2
20-13-204	Added*	491	hb1132	20	05-24-21	2
20-18-101 –						
20-18-105	Added	566	hb1130	1	07-01-21	2
22-1-103	Amended	544	hb1303	1	07-01-21	2
22-2-306	Amended	544	hb1303	2	07-01-21	2
24-1-204	Amended	245	sb0163	1	07-01-21	2
26-2-301	Amended	301	sb0566	1, 2	01-01-22	2
26-2-304	Amended	301	sb0566	3	01-01-22	2
26-2-309	Amended	301	sb0566	4	01-01-22	2
27-1-101	Added*	564	hb1072	1	07-01-21	2
29-3-110	Amended	64	sb0785	19	03-29-21	1
29-13-108	Amended	413	hb0870	3	01-01-22	2
29-20-102	Amended	534	hb0697	1	05-25-21	2
29-20-203	Amended	506	sb1417	1	07-01-21	2
29-20-401	Amended	337	hb1049	2	05-04-21	2
29-20-408	Amended	64	sb0785	20	03-29-21	1
29-34-212	Added	379	sb1370	1	05-11-21	2
29-34-703	Amended	265	sb0873	1	07-01-21	2
29-34-706	Amended	265	sb0873	2	07-01-21	2
30-2-310	Amended	102	sb0761	1	04-07-21	1
33-1-309	Amended	576	sb0114	1	05-27-21	2
33-1-312	Added*	197	sb0574	1	04-22-21	1
33-1-401	Amended	29	sb0078	2	03-23-21	1
33-2-203	Amended	62	sb0753	4	03-29-21	1
33-2-402	Amended	309	hb0215	3	07-01-22	2
33-2-424	Added	309	hb0215	4	07-01-22	2
33-2-901	Amended	62	sb0753	1	03-29-21	1
33-2-1401 –						
33-2-1403	Added	309	hb0215	5	07-01-22	2
33-4-109	Amended	62	sb0753	2, 3	03-29-21	1
33-6-406	Amended	538	hb0779	3	05-25-21	2
33-11-101	Added*	491	hb1132	4	05-24-21	2
33-11-102	Added*	491	hb1132	5	05-24-21	2
33-11-103	Added*	491	hb1132	6	05-24-21	2
33-11-104	Added*	491	hb1132	7	05-24-21	2
33-11-105	Added*	491	hb1132	8	05-24-21	2
33-11-106	Added*	491	hb1132	9	05-24-21	2
34-1-106	Amended	305	sb1440	1	05-04-21	2
34-1-108	Amended	305	sb1440	2	05-04-21	2
34-1-114	Amended	305	sb1440	5	05-04-21	2
34-3-101	Amended	133	sb0729	1	04-13-21	1

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34-3-104	Amended	84	hb0100	1	01-01-22	1
34-3-105	Amended	305	sb1440	3	05-04-21	2
34-3-106	Amended	305	sb1440	4	05-04-21	2
35-6-401	Amended	420	hb1186	1	07-01-21	2
35-6-502	Amended	420	hb1186	18	07-01-21	2
35-15-103	Amended	420	hb1186	2, 23	07-01-21	2
35-15-107	Amended	420	hb1186	3	07-01-21	2
35-15-108	Amended	420	hb1186	4, 5	07-01-21	2
35-15-111	Amended	420	hb1186	6	07-01-21	2
35-15-113	Added	420	hb1186	24	01-01-22	2
35-15-114	Added*	449	sb0881	1	07-01-21	2
35-15-402	Amended	420	hb1186	22	07-01-21	2
35-15-409	Amended	420	hb1186	7	07-01-21	2
35-15-411	Amended	420	hb1186	8	07-01-21	2
35-15-505	Amended	420	hb1186	17	07-01-21	2
35-15-509	Amended	420	hb1186	20	07-01-21	2
35-15-510	Amended	420	hb1186	9	07-01-21	2
35-15-810	Amended	420	hb1186	16	07-01-21	2
35-15-813	Amended	420	hb1186	10, 11	07-01-21	2
35-15-816	Amended	420	hb1186	12	07-01-21	2
35-15-1102	Amended	420	hb1186	19	07-01-21	2
35-16-102	Amended	420	hb1186	13, 14	07-01-21	2
35-16-104	Amended	420	hb1186	15, 21	07-01-21	2
36-1-102	Amended	101	sb0723	1-3	07-01-22	1
36-1-102	Amended	311	hb0237	3	07-01-21	2
36-1-111	Amended	101	sb0723	4	07-01-22	1
36-1-113	Amended	190	sb0205	1	04-22-21	1
36-1-113	Amended	235	hb1168	2	07-01-21	2
36-1-126	Amended	101	sb0723	5-10	07-01-22	1
36-1-127	Amended	101	sb0723	11-16	07-01-22	1
36-1-128 -						
36-1-132	Repealed	101	sb0723	17	07-01-22	1
36-1-133	Amended	101	sb0723	18	07-01-22	1
36-1-134	Amended	101	sb0723	19, 20	07-01-22	1
36-1-137	Amended	101	sb0723	21	07-01-22	1
36-1-138	Amended	101	sb0723	22-24	07-01-22	1
36-1-141	Amended	101	sb0723	25-27	07-01-22	1
36-1-148	Added*	375	sb1337	1	05-11-21	2
36-3-301	Amended	119	sb0309	1, 2	04-13-21	1
36-3-301	Amended	255	sb0509	1	04-28-21	2
36-3-609	Amended	60	sb0621	1	07-01-21	1
36-3-617	Amended	60	sb0621	3, 4	07-01-21	1
36-3-627	Added*	60	sb0621	2	07-01-21	1
36-5-101	Amended	64	sb0785	21	03-29-21	1
36-5-101	Amended	227	hb0765	1-3	07-01-21	2
36-5-103	Amended	227	hb0765	4	07-01-21	2
36-5-112	Amended	64	sb0785	22	03-29-21	1
36-5-114	Amended	64	sb0785	23	03-29-21	1
36-6-101	Amended	311	hb0237	1	07-01-21	2
36-6-102	Amended	164	sb0274	1	07-01-21	1
36-6-106	Amended	235	hb1168	1	07-01-21	2
37-1-102	Amended	492	sb0383	2	05-25-21	2

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37-1-102	Amended	147	sb1124	2	07-01-21	1
37-1-102	Amended	508	sb1530	1	07-01-21	2
37-1-114	Amended	105	sb1286	1	04-07-21	1
37-1-114	Amended	395	hb0534	2	07-01-21	2
37-1-116	Amended	492	sb0383	3	05-25-21	2
37-1-116	Amended	252	sb0447	1, 2	07-01-21	2
37-1-120	Amended	134	sb0738	27	07-01-21	1
37-1-129	Amended	436	sb0281	1	07-01-21	2
37-1-131	Amended	105	sb1286	2	04-07-21	1
37-1-131	Amended	319	hb0323	1	07-01-21	2
37-1-131	Amended	436	sb0281	2	07-01-21	2
37-1-148	Amended	147	sb1124	1	07-01-21	1
37-1-164	Amended	184	hb0783	2	07-01-21	1
37-1-182	Amended	64	sb0785	24	03-29-21	1
37-1-185	Amended	184	hb0783	4	07-01-21	1
37-1-187	Added*	184	hb0783	1	07-01-21	1
37-1-188	Added*	568	hb1377	1	07-01-21	2
37-1-406	Amended	64	sb0785	25	03-29-21	1
37-1-408	Amended	408	hb0723	1	05-12-21	2
37-1-506	Repealed	184	hb0783	3	07-01-21	1
37-1-607	Amended	64	sb0785	26	03-29-21	1
37-1-702	Amended	545	hb1338	4	07-01-21	2
37-1-903	Amended	64	sb0785	27	03-29-21	1
37-2-205	Amended	64	sb0785	28	03-29-21	1
37-2-403	Amended	414	hb0874	1	05-12-21	2
37-2-411	Amended	414	hb0874	2	05-12-21	2
37-2-414	Amended	311	hb0237	2	07-01-21	2
37-2-414	Amended	542	hb1268	1	07-01-21	2
37-2-419	Added*	375	sb1337	2	05-11-21	2
37-2-420	Added*	567	hb1166	1	07-01-21	2
37-2-601	Amended	64	sb0785	29	03-29-21	1
37-3-115	Amended	64	sb0785	30	03-29-21	1
37-3-116	Amended	64	sb0785	31	03-29-21	1
37-3-803	Amended	64	sb0785	32	03-29-21	1
37-3-803	Amended	109	sb0066	2	04-13-21	1
37-5-101	Amended	318	hb0317	2	05-04-21	2
37-5-105	Amended	64	sb0785	33	03-29-21	1
37-5-105	Amended	184	hb0783	5	07-01-21	1
37-5-105	Amended	252	sb0447	3	07-01-21	2
37-5-107	Amended	590	sb0476	1	07-01-21	2
37-5-124	Amended	64	sb0785	34	03-29-21	1
37-5-125	Amended	64	sb0785	35	03-29-21	1
37-5-128	Amended	64	sb0785	36	03-29-21	1
37-5-129	Amended	64	sb0785	37	03-29-21	1
37-5-133	Added*	163	sb0270	1	07-01-21	1
37-5-214	Added	492	sb0383	1	05-25-21	2
37-5-305	Amended	224	hb0298	2	04-22-21	2
37-5-307	Amended	129	sb0544	1	04-13-21	1
37-5-310	Amended	129	sb0544	2, 3	04-13-21	1
37-5-603	Amended	64	sb0785	38	03-29-21	1
37-5-605	Amended	64	sb0785	39	03-29-21	1
37-10-202	Amended	107	sb0327	2	07-01-21	1

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38-1-101	Amended	64	sb0785	40	03-29-21	1
38-3-113	Amended	336	hb0961	1	05-04-21	2
38-3-115	Amended	444	sb0557	2, 3	05-13-21	2
38-3-115	Amended	553	sb1335	3	05-26-21	2
38-3-119	Added*	553	sb1335	2	05-26-21	2
38-3-121	Amended	489	sb1380	1	05-18-21	2
38-6-101	Amended	44	sb0083	2	03-29-21	1
38-6-102	Amended	64	sb0785	41	03-29-21	1
38-6-121	Amended	350	sb0102	1	05-11-21	2
38-6-128	Added*	362	sb1035	10	05-11-21	2
38-6-207	Amended	64	sb0785	42	03-29-21	1
38-8-101	Amended	489	sb1380	2	05-18-21	2
38-8-113	Amended	489	sb1380	3	05-18-21	2
38-8-127	Added*	439	sb0440	1	07-01-21	2
38-8-128 -						
38-8-131	Added*	489	sb1380	4	05-18-21	2
38-8-312	Amended	64	sb0785	43	03-29-21	1
38-8-312	Amended	523	hb0374	1, 2	07-01-21	2
39-11-106	Amended	83	hb0050	2	04-07-21	1
39-11-504	Amended	83	hb0050	3	04-07-21	1
39-11-611	Amended	83	hb0050	4-7	04-07-21	1
39-11-611	Amended	115	sb0188	1-3	07-01-21	1
39-11-620	Amended	83	hb0050	8	04-07-21	1
39-11-622	Amended	188	hb1096	1	07-01-21	1
39-11-622	Amended	387	hb0025	1	07-01-21	2
39-12-301	Amended	545	hb1338	8	07-01-21	2
39-13-103	Amended	505	sb1373	1	07-01-21	2
39-13-105	Amended	545	hb1338	1	07-01-21	2
39-13-106	Amended	434	sb0246	3	07-01-21	2
39-13-113	Amended	60	sb0621	5	07-01-21	1
39-13-115	Amended	434	sb0246	4, 5	07-01-21	2
39-13-116	Amended	458	sb0019	1	07-01-21	2
39-13-202	Amended	394	hb0512	1	07-01-21	2
39-13-202	Amended	500	sb1228	2	10-01-21	2
39-13-202	Amended	528	hb0511	1-4	07-01-21	2
39-13-203	Amended	399	hb1062	1, 2	05-11-21	2
39-13-204	Amended	215	hb0047	2	07-01-21	2
39-13-204	Amended	528	hb0511	5-12	07-01-21	2
39-13-206	Amended	528	hb0511	13	07-01-21	2
39-13-207	Amended	528	hb0511	14-18	07-01-21	2
39-13-208	Amended	528	hb0511	19	07-01-21	2
39-13-213	Amended	434	sb0246	6	07-01-21	2
39-13-218	Amended	434	sb0246	7	07-01-21	2
39-13-502	Amended	500	sb1228	3	10-01-21	2
39-13-503	Amended	500	sb1228	4	10-01-21	2
39-13-505	Amended	509	sb1531	1	07-01-21	2
39-13-507	Added*	362	sb1035	8	07-01-21	2
39-13-513	Amended	246	sb0214	1	07-01-21	2
39-13-519	Amended	362	sb1035	2-5	07-01-21	2
39-13-519	Amended	362	sb1035	6	05-11-21	2
39-13-519	Amended	362	sb1035	7	07-01-21	2
39-13-523	Amended	210	sb1122	1	07-01-21	2

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39-13-524	Amended	525	hb0430	1	07-01-21	2
39-13-530	Amended	64	sb0785	44	03-29-21	1
39-13-531	Amended	104	sb1117	1	07-01-21	1
39-13-605	Amended	354	sb0331	1	07-01-21	2
39-13-609	Amended	462	sb0258	1, 2	05-18-21	2
39-13-612	Added*	516	hb0159	1	10-01-21	2
39-13-703	Amended	365	sb1126	1	05-11-21	2
39-13-704	Amended	204	sb0731	1	04-22-21	2
39-13-704	Amended	409	hb0784	16	07-01-21	2
39-13-705	Amended	204	sb0731	2	04-22-21	2
39-13-706	Amended	204	sb0731	3	04-22-21	2
39-13-707	Amended	204	sb0731	4, 5	04-22-21	2
39-13-803	Amended	528	hb0511	21	07-01-21	2
39-13-805	Amended	528	hb0511	20	07-01-21	2
39-13-1001						
39-13-1004	Added	545	hb1338	2	07-01-21	2
39-14-105	Amended	108	sb0765	8-10	07-01-21	1
39-14-129	Added*	364	sb1121	1	07-01-21	2
39-14-212	Amended	580	sb0166	1, 2	07-01-21	2
39-14-402						
39-14-404	Repealed	545	hb1338	3	07-01-21	2
39-14-411	Amended	418	hb1145	1	07-01-21	2
39-15-203	Amended	348	hb1181	3	07-01-21	2
39-15-219	Added	348	hb1181	1	07-01-21	2
39-15-401	Amended	511	sb1591	1	07-01-21	2
39-15-404	Amended	430	sb0157	1, 2	07-01-21	2
39-15-501	Amended	500	sb1228	5-10	10-01-21	2
39-15-504	Amended	500	sb1228	11	10-01-21	2
39-15-505	Amended	500	sb1228	12	10-01-21	2
39-15-506	Amended	500	sb1228	13	10-01-21	2
39-15-514	Added*	500	sb1228	14	10-01-21	2
39-16-201	Amended	236	hb1343	1, 2	07-01-21	2
39-16-517	Added	395	hb0534	1	07-01-21	2
39-16-603	Amended	278	sb0129	1, 2	07-01-21	2
39-17-303	Amended	440	sb0451	1	07-01-21	2
39-17-312	Amended	402	hb0012	2	07-01-21	2
39-17-402	Amended	230	hb0976	1	04-22-21	2
39-17-402	Amended	577	sb0118	3	05-27-21	2
39-17-418	Amended	409	hb0784	3-5	07-01-21	2
39-17-501	Amended	65	sb1258	1	07-01-21	1
39-17-505	Amended	65	sb1258	2	07-01-21	1
39-17-1002	Amended	371	sb1227	1	05-11-21	2
39-17-1301	Amended	443	sb0555	1	05-13-21	2
39-17-1307	Amended	108	sb0765	1, 13	07-01-21	1
39-17-1313	Amended	108	sb0765	2-5	07-01-21	1
39-17-1314	Amended	444	sb0557	4	05-13-21	2
39-17-1314	Amended	554	hb0902	3-6	07-01-21	2
39-17-1316	Amended	64	sb0785	45	03-29-21	1
39-17-1317	Amended	166	sb0277	1	07-01-21	1
39-17-1324	Amended	545	hb1338	9	07-01-21	2
39-17-1326	Added*	540	hb1171	1	07-01-21	2

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39-17-1327	Added*	540	hb1171	2	07-01-21	2
39-17-1351	Amended	64	sb0785	46	03-29-21	1
39-17-1351	Amended	108	sb0765	6	07-01-21	1
39-17-1351	Amended	195	sb0543	1	04-22-21	1
39-17-1351	Amended	219	hb0087	8, 9	04-22-21	2
39-17-1366	Amended	108	sb0765	7	07-01-21	1
39-17-1366	Amended	219	hb0087	10, 11	04-22-21	2
39-17-1367	Added*	554	hb0902	2	07-01-21	2
39-17-1551	Amended	551	sb1047	5	07-01-21	2
39-17-1551	Amended	574	sb0028	1	07-01-21	2
39-17-1802	Amended	551	sb1047	1, 2	07-01-21	2
39-17-1804	Amended	415	hb0926	1	07-01-21	2
39-17-1804	Amended	551	sb1047	3, 4	07-01-21	2
40-1-111	Amended	64	sb0785	47	03-29-21	1
40-2-101	Amended	363	sb1115	1	07-01-21	2
40-6-105	Added	489	sb1380	5	05-18-21	2
40-6-109	Added*	421	hb1187	1	07-01-21	2
40-6-203	Amended	539	hb0888	3	07-01-21	2
40-6-204	Amended	539	hb0888	4	07-01-21	2
40-11-113	Amended	545	hb1338	15	07-01-21	2
40-11-115	Amended	409	hb0784	6-8	07-01-21	2
40-11-133	Amended	520	hb0217	4	05-25-21	2
40-11-150	Amended	500	sb1228	16, 17	10-01-21	2
40-11-318	Amended	520	hb0217	1, 2	05-25-21	2
40-11-401	Amended	520	hb0217	3	05-25-21	2
40-17-102	Added	586	sb0283	1	07-01-21	2
40-17-102	Added*	501	sb1231	1	07-01-21	2
40-17-125	Amended	64	sb0785	48	03-29-21	1
40-24-105	Amended	410	hb0785	6-8	07-01-21	2
40-24-105	Amended	413	hb0870	1	01-01-22	2
40-28-115	Amended	410	hb0785	9	07-01-21	2
40-28-116	Amended	353	sb0252	1	07-01-21	2
40-28-116	Amended	410	hb0785	10	07-01-21	2
40-28-122	Amended	410	hb0785	11	07-01-21	2
40-28-503	Amended	410	hb0785	2, 3	01-01-22	2
40-28-504	Amended	410	hb0785	4	01-01-22	2
40-29-108	Added*	298	hb1064	1	07-01-21	2
40-29-109	Added*	410	hb0785	17	05-12-21	2
40-30-111	Amended	64	sb0785	49	03-29-21	1
40-30-123	Added*	355	sb0448	1	07-01-21	2
40-30-401 -						
40-30-413	Added	355	sb0448	2	07-01-21	2
40-31-107	Amended	64	sb0785	50	03-29-21	1
40-32-101	Amended	361	sb1028	1	07-01-21	2
40-32-101	Amended	430	sb0157	3	07-01-21	2
40-32-101	Amended	494	sb0707	1	07-01-21	2
40-32-101	Amended	539	hb0888	5-16	07-01-21	2
40-32-101	Amended	545	hb1338	5	07-01-21	2
40-33-216	Amended	64	sb0785	51	03-29-21	1
40-33-217	Amended	423	hb1254	1, 2	07-01-21	2
40-35-104	Amended	409	hb0784	9, 10	07-01-21	2
40-35-106	Amended	545	hb1338	10	07-01-21	2

*Section numbers supplied by the publisher and the code commission.

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40-35-107	Amended	545	hb1338	11	07-01-21	2
40-35-108	Amended	545	hb1338	12	07-01-21	2
40-35-114	Amended	108	sb0765	11	07-01-21	1
40-35-115	Amended	500	sb1228	15	10-01-21	2
40-35-121	Amended	545	hb1338	13	07-01-21	2
40-35-122	Amended	545	hb1338	6	07-01-21	2
40-35-123	Amended	545	hb1338	7	07-01-21	2
40-35-210	Amended	410	hb0785	16	05-12-21	2
40-35-302	Amended	358	sb0965	1	07-01-21	2
40-35-303	Amended	409	hb0784	17, 20	07-01-21	2
40-35-304	Amended	413	hb0870	2	01-01-22	2
40-35-308	Amended	409	hb0784	21	07-01-21	2
				18, 22,		
40-35-310	Amended	409	hb0784	23	07-01-21	2
40-35-311	Amended	409	hb0784	24, 25	07-01-21	2
40-35-311	Amended	541	hb1183	1	07-01-21	2
40-35-324	Added*	358	sb0965	2	07-01-21	2
40-35-501	Amended	104	sb1117	2	07-01-21	1
40-35-501	Amended	108	sb0765	12	07-01-21	1
40-35-501	Amended	282	hb0072	1	04-30-21	2
40-35-501	Amended	394	hb0512	2	07-01-21	2
40-35-501	Amended	525	hb0430	2	07-01-21	2
40-35-501	Amended	545	hb1338	14	07-01-21	2
40-35-501	Amended	563	hb1047	1	07-01-21	2
40-35-503	Amended	381	sb1437	1, 2	05-11-21	2
40-35-503	Amended	409	hb0784	19	07-01-21	2
40-35-503	Amended	410	hb0785	12-14	07-01-21	2
40-35-506	Added	410	hb0785	15	07-01-21	2
40-36-103	Amended	409	hb0784	12	07-01-21	2
40-36-104	Amended	409	hb0784	13, 14	07-01-21	2
40-36-105	Amended	64	sb0785	52	03-29-21	1
40-36-105	Amended	409	hb0784	15	07-01-21	2
40-36-106	Amended	409	hb0784	11	07-01-21	2
40-38-111	Amended	545	hb1338	16	07-01-21	2
40-38-119	Added*	362	sb1035	9	07-01-21	2
40-38-601	Amended	140	sb0885	1-3	04-13-21	1
40-38-602	Amended	140	sb0885	4-6	04-13-21	1
40-38-604	Amended	140	sb0885	7-9	04-13-21	1
40-38-608	Amended	140	sb0885	10	04-13-21	1
40-39-202	Amended	402	hb0012	3	07-01-21	2
41-1-502	Amended	64	sb0785	53	03-29-21	1
41-1-503	Amended	64	sb0785	54	03-29-21	1
41-1-507	Amended	64	sb0785	55	03-29-21	1
41-4-140	Amended	410	hb0785	19	05-12-21	2
41-4-144	Amended	359	sb0972	1	05-11-21	2
41-8-106	Amended	410	hb0785	18	05-12-21	2
41-21-204	Amended	168	sb0334	1	07-01-21	1
41-21-227	Amended	282	hb0072	2	04-30-21	2
41-21-243	Amended	64	sb0785	56	03-29-21	1
41-22-116	Amended	64	sb0785	57	03-29-21	1
41-22-116	Amended	338	hb1069	1	05-04-21	2
41-22-123	Amended	257	sb0545	1	04-28-21	2

*Section numbers supplied by the publisher and the code commission.

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41-22-405	Amended	64	sb0785	58	03-29-21	1
41-22-406	Amended	64	sb0785	59	03-29-21	1
41-22-408	Amended	64	sb0785	60	03-29-21	1
41-22-411	Amended	64	sb0785	61	03-29-21	1
41-23-103	Amended	64	sb0785	62	03-29-21	1
41-24-104	Amended	64	sb0785	63	03-29-21	1
41-24-106	Amended	64	sb0785	64	03-29-21	1
41-24-109	Amended	64	sb0785	65	03-29-21	1
42-2-301	Amended	31	sb0080	2	03-23-21	1
43-14-101	Repealed Added,	203	sb0719	1	04-22-21	2
43-14-201	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-202	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-203	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-204	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-205	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-206	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-207	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-208	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-209	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-210	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-211	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-212	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-213	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-214	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-215	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-216	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-217	Repealed Added,	203	sb0719	2	04-22-21	2
43-14-218	Repealed	203	sb0719	2	04-22-21	2
43-14-219	Added	203	sb0719	2	04-22-21	2
43-14-219 –						
43-14-223	Repealed	203	sb0719	2	04-22-21	2
43-14-301 –						
43-14-308	Repealed	203	sb0719	3	04-22-21	2
43-20-102	Amended	51	sb0090	2	03-29-21	1

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43-29-118	Added	2	sb0033	2	03-23-21	1
43-29-119	Amended	20	sb0063	2	03-23-21	1
43-29-120	Repealed	14	sb0054	2	03-23-21	1
43-29-122	Amended	145	sb1084	1	04-13-21	1
43-34-103	Amended	203	sb0719	7-9	04-22-21	2
43-34-104	Amended	203	sb0719	10	04-22-21	2
43-34-105	Amended	203	sb0719	11, 12	04-22-21	2
43-34-106	Amended	203	sb0719	13, 14	04-22-21	2
43-34-107	Amended	203	sb0719	15	04-22-21	2
44-19-114	Amended	47	sb0086	2	03-29-21	1
45-2-601	Amended	283	hb0077	1	04-30-21	2
45-2-607	Amended	78	hb0058	1	03-31-21	1
45-5-403	Amended	91	hb0421	1-6	07-01-21	1
46-6-108	Added*	445	sb0793	1	05-13-21	2
47-17-101	Added*	491	hb1132	11	05-24-21	2
47-17-102	Added*	491	hb1132	12	05-24-21	2
47-17-103	Added*	491	hb1132	13	05-24-21	2
47-17-104	Added*	491	hb1132	14	05-24-21	2
47-17-105	Added*	491	hb1132	15	05-24-21	2
47-18-104	Amended	309	hb0215	6	07-01-22	2
47-18-402	Amended	87	hb0207	1	07-01-21	1
47-18-407	Amended	87	hb0207	2	07-01-21	1
47-18-408	Added*	87	hb0207	3	07-01-21	1
47-18-1003	Amended	549	sb0771	4, 5	10-01-21	2
47-18-1012	Added*	144	sb1078	1	07-01-21	1
47-18-3101						
47-18-3104	Added	411	hb0830	1	07-01-21	2
47-18-5002	Amended	64	sb0785	66	03-29-21	1
47-18-5202	Amended	370	sb1211	1	05-11-21	2
47-18-5506	Amended	549	sb0771	6	10-01-21	2
47-18-5543	Added*	144	sb1078	2	07-01-21	1
47-25-1902	Amended	103	sb1046	3	04-07-21	1
48-17-109	Amended	85	hb0106	1	04-07-21	1
48-101-504	Amended	295	hb0820	6	07-01-21	2
48-101-506	Amended	295	hb0820	7, 8	07-01-21	2
48-101-507	Amended	295	hb0820	9-11	07-01-21	2
48-101-517	Amended	295	hb0820	12	07-01-21	2
49-1-102	Amended	493	sb0623	1	05-25-21	2
49-1-201	Amended	493	sb0623	2-4	05-25-21	2
49-1-211	Amended	493	sb0623	5, 6	05-25-21	2
		2 (1st Ex. Sess.)				
49-1-228	Amended	64	sb7001	11	02-03-21	1
49-1-229	Amended	64	sb0785	67	03-29-21	1
		2 (1st Ex. Sess.)				
49-1-302	Amended	3 (1st Ex. Sess.)	sb7001	1-6, 14	02-03-21	1
49-1-302	Amended	64	sb7003	5	02-03-21	1
49-1-302	Amended	64	sb0785	68	03-29-21	1

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49-1-302	Amended	493	sb0623	7, 40-49	05-25-21	2
49-1-303	Repealed	493	sb0623	8	05-25-21	2
49-1-305	Amended	493	sb0623	14	05-25-21	2
49-1-306	Amended	64	sb0785	69	03-29-21	1
49-1-309	Amended	64	sb0785	70	03-29-21	1
		2 (1st Ex. Sess.)				
49-1-602	Amended	493	sb7001	12	02-03-21	1
49-1-607	Amended	493	sb0623	15	05-25-21	2
49-1-608	Amended	64	sb0785	71	03-29-21	1
		2 (1st Ex. Sess.)				
49-1-609	Added*	64	sb7001	15	02-03-21	1
49-1-611	Amended	490	sb0785	72	03-29-21	1
49-1-614	Amended	490	hb0074	1-4	05-24-21	2
		2 (1st Ex. Sess.)				
49-1-617	Amended	299	sb7001	10	02-03-21	1
49-1-619	Added*	323	hb1570	1	07-01-21	2
49-1-620	Added*	64	hb0462	2	05-04-21	2
49-1-703	Amended	493	sb0785	73	03-29-21	1
49-1-703	Amended	493	sb0623	16	05-25-21	2
		3 (1st Ex. Sess.)				
49-1-901	Amended	3 (1st Ex. Sess.)	sb7003	1	02-03-21	1
		3 (1st Ex. Sess.)				
49-1-902	Amended	3 (1st Ex. Sess.)	sb7003	2	02-03-21	1
		3 (1st Ex. Sess.)				
49-1-903;		3 (1st Ex. Sess.)				
49-1-905	Added	367	sb7003	3	02-03-21	1
49-1-905	Amended	367	sb1156	2	07-01-22	2
		3 (1st Ex. Sess.)				
49-1-906	Added	64	sb7003	3	02-03-21	1
49-1-907	Amended	64	sb0785	74	03-29-21	1
		3 (1st Ex. Sess.)				
49-1-908,		3 (1st Ex. Sess.)				
49-1-909	Added	493	sb7003	3	02-03-21	1
49-1-1002	Amended	493	sb0623	37	05-25-21	2
49-1-1003	Amended	64	sb0785	75	03-29-21	1
49-1-1007	Amended	64	sb0785	76	03-29-21	1
49-1-1007	Amended	493	sb0623	9	05-25-21	2
49-1-1110	Added*	474	sb0677	1	07-01-21	2
49-2-116	Amended	493	sb0623	10	05-25-21	2
49-2-128	Amended	479	sb0788	1	05-18-21	2
49-2-136	Added*	274	sb1303	1	04-30-21	2
49-2-137	Added*	389	hb0212	1	07-01-21	2
49-2-138	Added*	519	hb0210	1	07-01-22	2
49-2-202	Amended	493	sb0623	17	05-25-21	2
49-2-203	Amended	310	hb0235	1-3	07-01-21	2
49-2-214	Added*	96	sb0103	1	04-07-21	1

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49-2-406	Amended	493	sb0623	11	05-25-21	2
49-2-801	Added*	452	hb1233	2	07-01-21	2
49-2-802	Added*	452	hb1233	3	07-01-21	2
49-2-803	Added*	452	hb1233	4	07-01-21	2
49-2-804	Added*	452	hb1233	5	07-01-21	2
49-2-805	Added*	452	hb1233	6	07-01-21	2
49-2-2101	Amended	64	sb0785	77	03-29-21	1
49-3-306	Amended	504	sb1338	1	07-01-21	2
49-3-310	Amended	276	sb1377	1	04-30-21	2
49-3-317	Amended	398	hb0777	1	05-11-21	2
49-3-318	Amended	493	sb0623	38	05-25-21	2
49-3-323	Added*	248	sb0290	1	07-01-21	2
49-3-351	Amended	64	sb0785	78	03-29-21	1
49-3-370	Amended	589	sb0449	1	05-27-21	2
49-3-501,						
49-3-502	Added	595	sb0739	1	05-27-21	2
49-4-708	Amended	64	sb0785	79	03-29-21	1
49-4-708	Amended	183	hb0763	2	07-01-21	1
49-4-708	Amended	467	sb0458	1	07-01-21	2
49-4-902	Amended	467	sb0458	2	07-01-21	2
49-4-903	Amended	64	sb0785	80	03-29-21	1
49-4-903	Amended	183	hb0763	1	07-01-21	1
49-4-908	Amended	467	sb0458	3	07-01-21	2
49-4-909	Amended	529	hb0542	1	05-25-21	2
49-4-930	Amended	183	hb0763	3	07-01-21	1
49-4-930	Amended	392	hb0471	1	07-01-21	2
49-4-930	Amended	536	hb0752	1	01-01-22	2
49-4-933	Amended	547	sb0722	1	05-26-21	2
49-4-938	Amended	368	sb1173	1, 2	07-01-21	2
49-4-939	Amended	565	hb1080	3	05-26-21	2
49-4-1001,						
49-4-1002	Amended	216	hb0083	6	04-22-21	2
49-4-1003	Amended	216	hb0083	1-3	07-01-21	2
49-4-1003	Amended	216	hb0083	6	04-22-21	2
49-4-1004	Amended	216	hb0083	4	07-01-21	2
49-4-1004	Amended	216	hb0083	6	04-22-21	2
49-4-1005	Amended	216	hb0083	5	07-01-21	2
49-4-1005-	Amended	216	hb0083	6	04-22-21	2
49-4-1008						
49-5-106	Amended	211	sb1133	1	04-22-21	2
49-5-106	Amended	326	hb0525	1	05-04-21	2
49-5-108	Amended	125	sb0479	1	07-01-21	1
49-5-108	Amended	125	sb0479	2	04-13-21	1
				18, 19,		
49-5-108	Amended	493	sb0623	50	05-25-21	2
49-5-108	Amended	571	hb1534	1	07-01-22	2
49-5-111	Amended	493	sb0623	20	05-25-21	2
49-5-209	Amended	77	hb0016	7	01-01-22	1
49-5-403	Amended	64	sb0785	81	03-29-21	1
49-5-409	Amended	378	sb1345	1-3	05-11-21	2
49-5-411	Amended	493	sb0623	21	05-25-21	2
49-5-413	Amended	417	hb1131	1, 2	05-12-21	2

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49-5-413	Amended	545	hb1338	17	07-01-21	2
49-5-417	Amended	545	hb1338	18	07-01-21	2
		2 (1st Ex.				
49-5-503	Amended	Sess.)	sb7001	13	02-03-21	1
49-5-714	Amended	377	sb1343	1-3	07-01-21	2
49-5-716	Amended	261	sb0636	1	04-28-21	2
49-5-5605	Amended	64	sb0785	82	03-29-21	1
		3 (1st Ex.				
49-5-5619	Added	Sess.)	sb7003	4	02-03-21	1
		2 (1st Ex.				
49-6-105	Amended	Sess.)	sb7001	7-9	02-03-21	1
49-6-108	Amended	493	sb0623	22	05-25-21	2
49-6-308	Amended	64	sb0785	83	03-29-21	1
49-6-310	Added*	40	sb0228	1	03-26-21	1
49-6-311	Added*	57	sb0235	1	03-29-21	1
49-6-412	Amended	271	sb1240	3	04-30-21	2
49-6-419	Added*	206	sb0844	1	07-01-21	2
49-6-805	Amended	335	hb0925	1	07-01-21	2
49-6-809	Amended	64	sb0785	84	03-29-21	1
49-6-1012	Added*	170	sb0414	2	04-20-21	1
49-6-1019	Added*	493	sb0623	51	05-25-21	2
49-6-1021	Amended	64	sb0785	85	03-29-21	1
49-6-1301	Amended	281	sb1229	2	05-03-21	2
49-6-1302	Amended	290	hb0487	1-3	04-30-21	2
49-6-1304	Amended	380	sb1392	1	07-01-21	2
49-6-1306	Amended	64	sb0785	86	03-29-21	1
49-6-1308	Added*	281	sb1229	1	05-03-21	2
		1 (1st Ex.				
49-6-1501 -						
49-6-1511	Added	Sess.)	hb7004	1	02-03-21	1
49-6-1601	Amended	161	sb0124	1	04-20-21	1
49-6-1702	Amended	48	sb0087	2	03-29-21	1
49-6-2101	Amended	146	sb1116	1	04-13-21	1
49-6-2201	Amended	64	sb0785	87	03-29-21	1
49-6-2201	Amended	159	sb0076	2	04-20-21	1
49-6-2202	Amended	205	sb0769	1, 2	04-22-21	2
49-6-2202	Amended	342	hb1537	1	04-18-22	2
49-6-2203	Amended	341	hb1513	2	07-01-21	2
49-6-2203	Amended	471	sb0630	1	05-18-21	2
49-6-2206	Amended	205	sb0769	3	07-01-21	2
49-6-2206	Amended	471	sb0630	2	05-18-21	2
49-6-2206	Amended	471	sb0630	3	07-01-21	2
49-6-2801 -						
49-6-2804	Added	77	hb0016	2	01-01-22	1
49-6-3001	Amended	493	sb0623	23-25	05-25-21	2
49-6-3004	Amended	180	hb0587	1	07-01-21	1
49-6-3004	Amended	287	hb0117	1	04-30-21	2
49-6-3006	Amended	223	hb0206	1	07-01-21	2
49-6-3007	Amended	223	hb0206	2, 3	07-01-21	2

*Section numbers supplied by the publisher and the code commission.

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49-6-3009	Amended	223	hb0206	4-10	07-01-21	2
49-6-3017	Amended	64	sb0785	88	03-29-21	1
49-6-3017	Amended	493	sb0623	26-28	05-25-21	2
49-6-3026	Added	116	sb0203	1	04-13-21	1
49-6-3050	Amended	493	sb0623	29, 30	05-25-21	2
49-6-3110	Amended	493	sb0623	31	05-25-21	2
		1 (1st Ex.				
49-6-3115	Amended	Sess.)	hb7004	2	07-01-22	1
49-6-3115	Amended	367	sb1156	1	05-11-21	2
49-6-3401	Amended	64	sb0785	89	03-29-21	1
49-6-3402	Amended	229	hb0890	1	04-22-21	2
49-6-3404	Amended	64	sb0785	90	03-29-21	1
49-6-3601 -						
49-6-3603	Added*	272	sb1259	2	07-01-21	2
49-6-3701 -						
49-6-3708	Added*	578	sb0122	1	05-27-21	2
49-6-4002	Amended	77	hb0016	6	01-01-22	1
49-6-4008	Repealed	77	hb0016	4	01-01-22	1
49-6-4102	Amended	77	hb0016	3	01-01-22	1
49-6-4106	Repealed	77	hb0016	5	01-01-22	1
49-6-4107	Amended	188	hb1096	2	07-01-21	1
49-6-4302	Amended	64	sb0785	91	03-29-21	1
49-6-4503	Amended	64	sb0785	92	03-29-21	1
49-6-5001	Amended	64	sb0785	93	03-29-21	1
49-6-5001	Amended	369	sb1175	1	07-01-21	2
49-6-5001	Amended	493	sb0623	12	05-25-21	2
49-6-5001	Amended	513	hb0013	2, 3	05-25-21	2
49-6-5002	Amended	169	sb0386	1	07-01-21	1
49-6-5002	Amended	493	sb0623	32	05-25-21	2
49-6-6001	Amended	493	sb0623	33	05-25-21	2
49-6-6001	Amended	552	sb1135	2	05-26-21	2
49-6-6011	Amended	64	sb0785	94	03-29-21	1
49-6-8103	Amended	493	sb0623	34	05-25-21	2
49-7-112	Amended	64	sb0785	95	03-29-21	1
49-7-112	Amended	183	hb0763	4	07-01-21	1
49-7-143	Amended	64	sb0785	96	03-29-21	1
49-7-154	Amended	92	hb0473	1, 2	04-07-21	1
49-7-169	Amended	64	sb0785	97	03-29-21	1
49-7-173	Added*	120	sb0322	1	04-13-21	1
49-7-174	Added*	120	sb0322	2	04-13-21	1
49-7-175	Added*	369	sb1175	2	07-01-21	2
49-7-176	Added*	493	sb0623	13	05-25-21	2
49-7-177	Added*	507	sb1521	2	07-01-22	2
49-7-178	Added*	512	hb0006	1	05-25-21	2
49-7-179	Added*	547	sb0722	2	05-26-21	2
49-7-202	Amended	64	sb0785	98	03-29-21	1
49-7-210	Amended	183	hb0763	8	07-01-21	1
49-7-211	Amended	183	hb0763	9, 10	07-01-21	1
49-7-215	Amended	64	sb0785	99	03-29-21	1
49-7-217	Amended	64	sb0785	100	03-29-21	1
49-7-218	Repealed	183	hb0763	11	07-01-21	1

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49-7-502	Amended	64	sb0785	101	03-29-21	1
49-7-503	Amended	64	sb0785	102	03-29-21	1
49-7-824	Amended	469	sb0501	1, 2	05-18-21	2
49-7-1203	Amended	183	hb0763	6	07-01-21	1
49-7-1209	Repealed	183	hb0763	5	07-01-21	1
49-7-1210	Amended	64	sb0785	103	03-29-21	1
49-7-1210	Repealed	183	hb0763	7	07-01-21	1
49-7-1801 –						
49-7-1804	Added*	344	hb1238	1	07-01-21	2
49-7-2109	Amended	493	sb0623	39	05-25-21	2
49-7-2205	Amended	64	sb0785	104	03-29-21	1
49-7-2701	Amended	64	sb0785	105	03-29-21	1
49-7-2801,						
49-7-2802	Added*	400	hb1351	1	01-01-22	2
49-8-101	Amended	75	hb0311	2	03-29-21	1
49-8-101	Amended	312	hb0258	2	05-04-21	2
49-8-101	Amended	313	hb0278	2	05-04-21	2
49-8-101	Amended	314	hb0284	2	05-04-21	2
49-8-101	Amended	316	hb0312	2	05-04-21	2
49-8-101	Amended	317	hb0315	2	05-04-21	2
49-8-111	Amended	64	sb0785	106	03-29-21	1
49-8-117	Amended	64	sb0785	107	03-29-21	1
49-8-201	Amended	75	hb0311	2	03-29-21	1
49-8-201	Amended	312	hb0258	2	05-04-21	2
49-8-201	Amended	313	hb0278	2	05-04-21	2
49-8-201	Amended	314	hb0284	2	05-04-21	2
49-8-201	Amended	316	hb0312	2	05-04-21	2
49-8-201	Amended	317	hb0315	2	05-04-21	2
49-8-203	Amended	64	sb0785	108	03-29-21	1
49-8-205	Added*	410	hb0785	20	05-12-21	2
49-9-114	Amended	64	sb0785	109	03-29-21	1
49-9-703	Amended	587	sb0298	1	07-01-21	2
49-9-705	Added*	587	sb0298	2	07-01-21	2
49-10-1303	Amended	134	sb0738	1–8	07-01-21	1
49-10-1304	Amended	134	sb0738	9–19	07-01-21	1
49-10-1305	Amended	134	sb0738	20–23	07-01-21	1
49-10-1306	Amended	134	sb0738	24, 25	07-01-21	1
49-10-1307	Amended	134	sb0738	26	07-01-21	1
49-10-1403	Amended	113	sb0127	1	04-13-21	1
49-11-110	Amended	271	sb1240	1, 2	04-30-21	2
49-11-201	Amended	45	sb0084	2	03-29-21	1
49-11-404	Amended	410	hb0785	21	05-12-21	2
49-11-903	Amended	456	sb0909	2	07-01-21	2
49-13-105	Amended	49	sb0088	2	03-29-21	1
49-13-110	Amended	493	sb0623	35	05-25-21	2
49-13-111	Amended	310	hb0235	4	07-01-21	2
49-13-115	Added*	96	sb0103	2	04-07-21	1
49-13-119	Amended	250	sb0353	1	04-28-21	2
49-13-120	Amended	64	sb0785	110	03-29-21	1
50-1-209	Added*	384	sb1573	1	05-11-21	2
50-1-304	Amended	556	hb0943	1	05-26-21	2
50-3-109	Added*	234	hb1112	1	04-22-21	2

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50-3-801	Amended	74	hb0286	2	03-29-21	1
50-6-121	Amended	41	sb0030	2	03-29-21	1
50-6-121	Amended	64	sb0785	111	03-29-21	1
50-6-132	Amended	64	sb0785	112	03-29-21	1
50-6-204	Amended	286	hb0094	1	04-30-21	2
50-6-208	Amended	286	hb0094	2, 3	04-30-21	2
50-6-226	Amended	152	sb1576	1	07-01-21	1
50-6-238	Amended	286	hb0094	4	04-30-21	2
50-6-244	Amended	64	sb0785	113	03-29-21	1
50-6-402	Amended	64	sb0785	114	03-29-21	1
50-6-411	Amended	189	hb1285	1	07-01-24	1
50-6-411	Amended	189	hb1285	1	07-01-21	1
50-6-412	Amended	88	hb0386	11, 12	01-01-22	1
50-6-412	Amended	189	hb1285	2	07-01-21	1
50-6-412	Amended	189	hb1285	2	07-01-24	1
50-6-413	Added*	189	hb1285	3	07-01-21	1
50-6-415	Amended	64	sb0785	115	03-29-21	1
50-6-801	Amended	189	hb1285	9	07-01-21	1
50-6-901;						
50-6-903	Amended	88	hb0386	3	01-01-22	1
50-6-904	Amended	88	hb0386	2-4	01-01-22	1
50-6-905	Amended	88	hb0386	2, 3	01-01-22	1
50-6-905	Amended	189	hb1285	4	07-01-21	1
50-6-906	Amended	88	hb0386	2, 3	01-01-22	1
50-6-907	Amended	88	hb0386	2, 3, 5	01-01-22	1
50-6-908	Amended	88	hb0386	3	01-01-22	1
50-6-908	Amended	189	hb1285	5	07-01-24	1
50-6-908	Amended	189	hb1285	5	07-01-21	1
50-6-909	Amended	88	hb0386	1, 3	01-01-22	1
50-6-911	Amended	88	hb0386	2, 3, 6, 7	01-01-22	1
50-6-912	Amended	88	hb0386	3, 8	01-01-22	1
50-6-913	Amended	88	hb0386	3, 9	01-01-22	1
50-6-914	Amended	90	hb0395	1	04-07-21	1
50-6-914	Amended	189	hb1285	6	07-01-21	1
50-6-914	Amended	189	hb1285	6	07-01-24	1
50-6-914	Amended	189	hb1285	7, 8	07-01-21	1
50-6-915	Amended	88	hb0386	3	01-01-22	1
50-6-918	Repealed	88	hb0386	13	01-01-22	1
50-6-921	Amended	88	hb0386	10	01-01-22	1
50-7-301	Amended	560	hb1039	1, 2	12-01-23	2
50-7-302	Amended	538	hb0779	1	05-25-21	2
50-7-403	Amended	538	hb0779	2	05-25-21	2
50-7-451	Amended	64	sb0785	116	03-29-21	1
50-11-101 -						
50-11-106	Added*	397	hb0771	1	05-11-21	2
53-1-103	Amended	202	sb0718	2-5	04-22-21	2
53-1-105	Amended	202	sb0718	6	04-22-21	2
53-1-117	Added*	207	sb0974	1	07-01-21	2
53-1-201	Added, Repealed	202	sb0718	1	04-22-21	2
53-1-202	Added, Repealed	202	sb0718	1	04-22-21	2

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	Added,					
53-1-203	Repealed	202	sb0718	1	04-22-21	2
53-1-204	Added	202	sb0718	1	04-22-21	2
53-1-204 –						
53-1-210	Repealed	202	sb0718	1	04-22-21	2
53-1-304	Repealed	202	sb0718	7	04-22-21	2
53-10-302	Amended	136	sb0748	1, 2	04-13-21	1
53-10-303	Amended	136	sb0748	3	04-13-21	1
53-10-303	Amended	565	hb1080	4	05-26-21	2
53-10-306	Amended	136	sb0748	4-8	04-13-21	1
53-10-308	Amended	136	sb0748	9	04-13-21	1
53-10-311	Amended	136	sb0748	10	04-13-21	1
54-5-121	Added*	431	sb0171	1	05-13-21	2
54-5-708	Amended	438	sb0427	1	05-13-21	2
54-5-853	Amended	221	hb0092	1, 2	07-01-21	2
54-5-1104	Added*	584	sb0267	1	07-01-21	2
55-3-114	Amended	240	sb0112	1	07-01-21	2
55-3-126	Amended	171	sb0473	1	04-20-21	1
55-4-105	Amended	502	sb1270	1	07-01-21	2
55-4-110	Amended	174	hb0175	1	04-20-21	1
55-4-113	Amended	218	hb0086	1	07-01-21	2
55-4-201	Amended	97	sb0165	1	07-01-21	1
				1, 3, 6, 8, 11, 23, 25, 27, 29, 31, 38, 40, 42, 44, 47, 49, 53, 55, 58, 60,		
55-4-203	Amended	579	sb0138	63	07-01-21	2
55-4-204	Amended	579	sb0138	32	07-01-21	2
55-4-210	Amended	218	hb0086	2	04-22-21	2
55-4-212	Amended	218	hb0086	3	04-22-21	2
55-4-226	Amended	97	sb0165	2, 3	07-01-21	1
55-4-226	Amended	218	hb0086	4	07-01-21	2
55-4-228	Amended	218	hb0086	5	07-01-21	2
55-4-229	Amended	579	sb0138	10	07-01-21	2
				13, 14, 15, 16, 17, 18, 19, 20,		
55-4-253	Amended	579	sb0138	21	07-01-21	2
55-4-255	Amended	218	hb0086	6	04-22-21	2
55-4-257	Amended	218	hb0086	7	04-22-21	2
55-4-265	Amended	579	sb0138	62	07-01-21	2
55-4-278	Added*	579	sb0138	33	07-01-21	2
55-4-307	Amended	218	hb0086	8	04-22-21	2
55-4-313	Amended	579	sb0138	5	07-01-21	2
55-4-319	Added*	579	sb0138	59	07-01-21	2
55-4-320	Added*	579	sb0138	56	07-01-21	2

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55-4-328	Added*	579	sb0138	7	07-01-21	2
55-4-331	Added*	579	sb0138	24	07-01-21	2
55-4-332	Added*	579	sb0138	54	07-01-21	2
55-4-333	Added*	579	sb0138	26	07-01-21	2
55-4-344	Added*	579	sb0138	30	07-01-21	2
55-4-345	Amended	579	sb0138	46	07-01-21	2
55-4-349	Amended	579	sb0138	51, 52	07-01-21	2
55-4-353	Added*	579	sb0138	61	07-01-21	2
55-4-356	Added*	579	sb0138	45	07-01-21	2
55-4-357	Added*	579	sb0138	48	07-01-21	2
55-4-358	Added*	579	sb0138	12	07-01-21	2
55-4-359	Added*	579	sb0138	4	07-01-21	2
55-4-360	Amended	579	sb0138	37	07-01-21	2
55-4-362	Added*	579	sb0138	2	07-01-21	2
55-4-363	Added*	579	sb0138	28	07-01-21	2
55-4-374	Amended	579	sb0138	66	07-01-21	2
55-4-379	Amended	579	sb0138	34	07-01-21	2
55-4-380	Amended	579	sb0138	35	07-01-21	2
55-4-383	Amended	579	sb0138	65	07-01-21	2
55-4-384	Amended	579	sb0138	57	07-01-21	2
55-4-386	Amended	579	sb0138	36	07-01-21	2
55-4-388	Added*	579	sb0138	64	07-01-21	2
55-4-389	Added*	579	sb0138	9	07-01-21	2
55-4-390	Added*	579	sb0138	39	07-01-21	2
55-4-391	Added*	579	sb0138	43	07-01-21	2
55-4-392	Added*	579	sb0138	50	07-01-21	2
55-4-393	Added*	579	sb0138	41	07-01-21	2
55-8-101	Amended	56	sb0154	1	03-29-21	1
55-8-101	Amended	103	sb1046	1	04-07-21	1
55-8-118	Amended	243	sb0139	1	04-28-21	2
55-8-185	Amended	123	sb0349	1	04-13-21	1
55-8-185	Amended	269	sb1178	1	04-30-21	2
55-8-198	Amended	450	sb0354	2	05-14-21	2
55-9-308	Amended	176	hb0234	1	07-01-21	1
55-10-115	Amended	225	hb0364	1	07-01-21	2
55-10-301	Amended	220	hb0088	1	07-01-21	2
55-10-402	Amended	386	sb1590	1	05-11-21	2
55-10-418	Amended	64	sb0785	117	03-29-21	1
55-10-502	Amended	573	sb0014	1	07-01-21	2
55-10-804	Amended	220	hb0088	2	07-01-21	2
55-17-111	Amended	549	sb0771	7	10-01-21	2
55-17-114	Amended	549	sb0771	8	10-01-21	2
55-17-120	Amended	66	sb1350	1	10-15-21	1
55-17-121	Amended	277	sb1615	1	07-01-21	2
55-18-105	Amended	61	sb0724	1-3	03-29-21	1
55-21-301 -						
55-21-304	Added*	55	sb0110	1	01-01-22	1
55-50-312	Amended	137	sb0784	1	01-01-22	1
55-50-321	Amended	410	hb0785	5	07-01-21	2
55-50-323	Amended	219	hb0087	1	04-22-21	2
55-50-331	Amended	219	hb0087	2-4	04-22-21	2
55-50-335	Amended	219	hb0087	5, 6	04-22-21	2

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55-50-354	Amended	247	sb0268	1	04-28-21	2
55-50-405	Amended	112	sb0115	1	04-13-21	1
55-50-407	Amended	219	hb0087	7	04-22-21	2
56-1-111	Added*	373	sb1277	1	05-11-21	2
56-1-310	Amended	549	sb0771	9	10-01-21	2
56-2-208	Amended	537	hb0767	2-6	07-01-21	2
56-2-1001 -						
56-2-1011	Added	345	hb0766	1	07-01-21	2
56-5-106	Amended	537	hb0767	7	05-25-21	2
56-7-102	Amended	67	sb1376	1	03-29-21	1
56-7-120	Amended	260	sb0618	1	07-01-21	2
56-7-1003	Amended	191	sb0429	1, 2	04-22-21	1
56-7-2360	Amended	244	sb0151	1	04-28-21	2
56-7-2607	Added*	441	sb0488	2	07-01-21	2
56-7-3119	Added*	569	hb1398	1	07-01-21	2
56-7-3120	Added*	569	hb1398	2	07-01-21	2
56-7-3201	Amended	405	hb0619	1	07-01-21	2
56-7-3205	Added*	405	hb0619	2	07-01-21	2
56-7-3206	Added*	569	hb1398	3	07-01-21	2
56-7-3207	Added*	569	hb1398	4	07-01-21	2
56-7-3208	Added*	569	hb1398	5	01-01-22	2
56-13-102	Amended	537	hb0767	9	07-01-21	2
56-13-103	Amended	537	hb0767	10-12	07-01-21	2
56-13-105	Amended	537	hb0767	13	07-01-21	2
56-13-108	Amended	537	hb0767	14, 15	07-01-21	2
56-17-101 -						
56-17-106	Added*	372	sb1271	1	07-01-21	2
56-43-103	Amended	428	sb0116	1	05-13-21	2
56-54-101 -						
56-54-111	Repealed	537	hb0767	8	05-25-21	2
56-57-103	Amended	372	sb1271	2	07-01-21	2
56-57-104 -						
56-57-106	Repealed	372	sb1271	2	07-01-21	2
57-1-102	Amended	82	hb0257	2	03-31-21	1
57-2-104	Amended	329	hb0669	1	05-04-21	2
57-3-101	Amended	426	hb1514	1	05-12-21	2
57-3-106	Amended	237	hb1517	1	04-22-21	2
57-3-106	Amended	426	hb1514	2	05-12-21	2
57-3-202	Amended	329	hb0669	2	05-04-21	2
57-3-204	Amended	59	sb0293	1-5	03-29-21	1
57-3-217	Amended	331	hb0742	1, 2	05-04-21	2
57-3-217	Amended	331	hb0742	3	01-01-22	2
57-3-217	Amended	425	hb1481	1	05-12-21	2
57-3-224	Amended	185	hb0866	1	04-20-21	1
57-3-226	Added*	76	hb0557	1	03-29-21	1
57-3-301	Amended	324	hb0464	1	05-04-21	2
57-3-404	Amended	437	sb0332	1	05-13-21	2
57-3-415	Added*	331	hb0742	4	01-01-22	2
57-3-820	Added*	76	hb0557	2	03-29-21	1
57-3-1101	Amended	53	sb0094	2	03-29-21	1
57-4-101	Amended	330	hb0674	1	05-04-21	2
57-4-102	Amended	187	hb1085	1	04-20-21	1

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57-4-102	Amended	267	sb1004	1	04-30-21	2
57-4-102	Amended	320	hb0339	1-3	05-04-21	2
57-4-102	Amended	330	hb0674	2	05-04-21	2
57-4-102	Amended	356	sb0486	1-20	05-11-21	2
57-4-102	Amended	388	hb0201	1-3	05-11-21	2
57-4-102	Amended	407	hb0682	1, 2	05-12-21	2
57-4-103	Amended	237	hb1517	2	04-22-21	2
57-4-111	Added*	76	hb0557	3	03-29-21	1
57-4-112	Added*	451	hb0241	1	05-14-21	2
57-4-201	Amended	330	hb0674	4	05-04-21	2
57-4-203	Amended	187	hb1085	2	04-20-21	1
57-4-203	Amended	451	hb0241	2, 3	05-14-21	2
57-4-301	Amended	330	hb0674	3	05-04-21	2
57-5-101	Amended	432	sb0177	1, 2	10-01-21	2
57-5-201	Amended	158	sb0026	1, 2	06-01-21	1
57-5-201	Amended	432	sb0177	3	10-01-21	2
58-2-301,						
58-2-302	Added	155	sb0474	1	07-01-21	1
58-3-106	Amended	63	sb0763	1	03-29-21	1
59-8-101	Added	548	sb0742	3	05-26-21	2
59-8-101	Repealed	548	sb0742	1	05-26-21	2
59-8-102	Added	548	sb0742	3	05-26-21	2
59-8-102	Repealed	548	sb0742	1	05-26-21	2
59-8-103	Added	548	sb0742	3	05-26-21	2
59-8-103	Repealed	548	sb0742	1	05-26-21	2
59-8-104	Added	548	sb0742	3	05-26-21	2
59-8-104	Repealed	548	sb0742	1	05-26-21	2
59-8-105	Added	548	sb0742	3	05-26-21	2
59-8-105	Repealed	548	sb0742	1	05-26-21	2
59-8-106	Added	548	sb0742	3	05-26-21	2
59-8-106	Repealed	548	sb0742	1	05-26-21	2
59-8-107	Added	548	sb0742	3	05-26-21	2
59-8-107	Repealed	548	sb0742	1	05-26-21	2
59-8-108	Added	548	sb0742	3	05-26-21	2
59-8-108	Repealed	548	sb0742	1	05-26-21	2
59-8-109	Added	548	sb0742	3	05-26-21	2
59-8-109	Repealed	548	sb0742	1	05-26-21	2
59-8-110	Added	548	sb0742	3	05-26-21	2
59-8-110	Repealed	548	sb0742	1	05-26-21	2
59-8-111	Added	548	sb0742	3	05-26-21	2
59-8-111	Repealed	548	sb0742	1	05-26-21	2
59-8-112	Added	548	sb0742	3	05-26-21	2
59-8-112	Repealed	548	sb0742	1	05-26-21	2
59-8-113	Added	548	sb0742	3	05-26-21	2
59-8-113	Repealed	548	sb0742	1	05-26-21	2
59-8-114	Added	548	sb0742	3	05-26-21	2
59-8-114	Repealed	548	sb0742	1	05-26-21	2
59-8-115	Added	548	sb0742	3	05-26-21	2
59-8-115	Repealed	548	sb0742	1	05-26-21	2
59-8-116	Added	548	sb0742	3	05-26-21	2
59-8-116	Repealed	548	sb0742	1	05-26-21	2
59-8-117	Added	548	sb0742	3	05-26-21	2

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59-8-117	Repealed	548	sb0742	1	05-26-21	2
59-8-118	Added	548	sb0742	3	05-26-21	2
59-8-118	Repealed	548	sb0742	1	05-26-21	2
59-8-119	Added	548	sb0742	3	05-26-21	2
59-8-119	Repealed	548	sb0742	1	05-26-21	2
59-8-120	Added	548	sb0742	3	05-26-21	2
59-8-120	Repealed	548	sb0742	1	05-26-21	2
59-8-121	Added	548	sb0742	3	05-26-21	2
59-8-121	Repealed	548	sb0742	1	05-26-21	2
59-8-122	Added	548	sb0742	3	05-26-21	2
59-8-122	Repealed	548	sb0742	1	05-26-21	2
59-8-123	Added	548	sb0742	3	05-26-21	2
59-8-123	Repealed	548	sb0742	1	05-26-21	2
59-8-124	Added	548	sb0742	3	05-26-21	2
59-8-124	Repealed	548	sb0742	1	05-26-21	2
59-8-125	Added	548	sb0742	3	05-26-21	2
59-8-125	Repealed	548	sb0742	1	05-26-21	2
59-8-126	Added	548	sb0742	3	05-26-21	2
59-8-126	Repealed	548	sb0742	1	05-26-21	2
59-8-127	Added	548	sb0742	3	05-26-21	2
59-8-127	Repealed	548	sb0742	1	05-26-21	2
59-8-128	Added	548	sb0742	3	05-26-21	2
59-8-128	Repealed	548	sb0742	1	05-26-21	2
59-8-129	Added	548	sb0742	3	05-26-21	2
59-8-129	Repealed	548	sb0742	1	05-26-21	2
59-8-130	Added	548	sb0742	3	05-26-21	2
59-8-130	Repealed	548	sb0742	1	05-26-21	2
59-8-131	Added	548	sb0742	3	05-26-21	2
59-8-131	Repealed	548	sb0742	1	05-26-21	2
59-8-132	Added	548	sb0742	3	05-26-21	2
59-8-132	Repealed	548	sb0742	1, 2	05-26-21	2
59-8-133,						
59-8-134	Repealed	548	sb0742	1	05-26-21	2
59-8-202;						
59-8-212	Amended	548	sb0742	1	05-26-21	2
59-8-302	Amended	548	sb0742	4, 5	05-26-21	2
59-8-304	Amended	548	sb0742	1, 6, 7	05-26-21	2
59-8-305	Amended	548	sb0742	8	05-26-21	2
59-8-307	Repealed	548	sb0742	8	05-26-21	2
59-8-308	Amended	135	sb0741	3	04-13-21	1
59-8-308	Amended	548	sb0742	9	05-26-21	2
59-8-401,						
59-8-402	Repealed	548	sb0742	10	05-26-21	2
59-8-403	Amended	548	sb0742	1	05-26-21	2
59-8-403	Repealed	548	sb0742	10	05-26-21	2
59-8-404	Amended	135	sb0741	4	04-13-21	1
59-8-404 -						
59-8-410	Repealed	548	sb0742	10	05-26-21	2
59-8-411	Amended	548	sb0742	1	05-26-21	2
59-8-411,						
59-8-412	Repealed	548	sb0742	10	05-26-21	2
59-8-413	Amended	548	sb0742	1	05-26-21	2

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59-8-413 –						
59-8-415	Repealed	548	sb0742	10	05-26-21	2
59-8-416	Amended	548	sb0742	1	05-26-21	2
59-8-416	Repealed	548	sb0742	10	05-26-21	2
59-8-417	Amended	548	sb0742	1	05-26-21	2
59-8-417 –						
59-8-421	Repealed	548	sb0742	10	05-26-21	2
59-10-102	Amended	548	sb0742	1, 11, 12	05-26-21	2
60-1-101; 60-1-401; 60-1-404;						
60-1-503	Amended	548	sb0742	1	05-26-21	2
62-3-101	Amended	117	sb0216	8	01-01-22	1
62-3-110	Amended	117	sb0216	1, 2	01-01-22	1
62-3-110	Amended	549	sb0771	10, 11	10-01-21	2
62-3-114	Amended	117	sb0216	3	01-01-22	1
62-3-115	Amended	117	sb0216	4	01-01-22	1
62-3-119	Amended	117	sb0216	5	01-01-22	1
62-3-123	Amended	549	sb0771	12, 13	10-01-21	2
62-3-124	Amended	117	sb0216	6	01-01-22	1
62-3-131	Added*	117	sb0216	7	01-01-22	1
62-4-105	Amended	117	sb0216	9	01-01-22	1
62-4-109	Amended	376	sb1339	1	05-11-21	2
62-4-110	Amended	117	sb0216	10–14	01-01-22	1
62-4-116	Amended	117	sb0216	17	01-01-22	1
62-4-117	Amended	117	sb0216	16	01-01-22	1
62-4-136	Amended	117	sb0216	15	01-01-22	1
62-5-312	Amended	549	sb0771	14	10-01-21	2
62-5-404	Amended	549	sb0771	15	10-01-21	2
62-5-502	Added	348	hb1181	2	07-01-21	2
62-5-801 –						
62-5-810	Added	141	sb0931	1	04-13-21	1
62-6-102	Amended	198	sb0577	1	04-22-21	1
62-6-120	Amended	549	sb0771	16	10-01-21	2
62-9-102	Amended	549	sb0771	17, 18	10-01-21	2
62-9-115	Added*	213	sb1612	1	07-01-21	2
62-11-101 –						
62-11-105	Repealed	572	sb0012	1	05-27-21	2
62-11-106	Amended	294	hb0781	1	07-01-21	2
62-11-106 –						
62-11-110	Repealed	572	sb0012	1	05-27-21	2
62-11-111	Amended	549	sb0771	19, 20	10-01-21	2
62-11-111 –						
62-11-118	Repealed	572	sb0012	1	05-27-21	2
62-13-208	Amended	549	sb0771	21–25	10-01-21	2
62-13-303	Amended	549	sb0771	26–28	10-01-21	2
62-13-309	Amended	549	sb0771	29	10-01-21	2
62-13-313	Amended	549	sb0771	30	10-01-21	2
62-13-315	Added*	94	hb0605	1	04-07-21	1
62-18-103	Amended	27	sb0073	2	03-23-21	1
62-19-111	Amended	549	sb0771	31	10-01-21	2
62-19-128	Amended	66	sb1350	2	10-15-21	1

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62-20-102	Amended	549	sb0771	32	10-01-21	2
62-20-105	Amended	549	sb0771	33	10-01-21	2
62-20-111	Amended	549	sb0771	34	10-01-21	2
62-20-115	Amended	549	sb0771	35	10-01-21	2
62-26-202	Amended	294	hb0781	2, 9	07-01-21	2
62-26-204	Amended	294	hb0781	3-5, 9	07-01-21	2
62-26-205	Amended	294	hb0781	6, 9	07-01-21	2
62-26-206	Amended	294	hb0781	7	07-01-21	2
62-26-206 – 62-26-208;						
62-26-211	Amended	294	hb0781	9	07-01-21	2
62-26-212	Amended	294	hb0781	8	07-01-21	2
62-26-212 – 62-26-214; 62-26-217; 62-26-219, 62-26-220; 62-26-224 –						
62-26-226	Amended	294	hb0781	9	07-01-21	2
62-26-301	Repealed	294	hb0781	12	04-30-21	2
62-26-301 – 62-26-305	Repealed	294	hb0781	13	07-01-21	2
62-27-102	Amended	294	hb0781	14	07-01-21	2
62-27-102; 62-27-105 – 62-27-109; 62-27-111, 62-27-112; 62-27-114, 62-27-115	Amended	294	hb0781	19	07-01-21	2
62-27-117	Amended	294	hb0781	15	07-01-21	2
62-27-117 – 62-27-119; 62-27-122	Amended	294	hb0781	19	07-01-21	2
62-27-123	Amended	294	hb0781	16, 19	07-01-21	2
62-27-125	Amended	294	hb0781	17, 19	07-01-21	2
62-27-126	Amended	294	hb0781	18	07-01-21	2
62-27-126; 62-27-129	Amended	294	hb0781	19	07-01-21	2
62-32-303	Amended	294	hb0781	20, 21	07-01-21	2
62-32-303, 62-32-304	Amended	294	hb0781	32	07-01-21	2
62-32-306	Amended	294	hb0781	22, 32	07-01-21	2
62-32-307	Amended	294	hb0781	23, 32	07-01-21	2
62-32-308	Amended	294	hb0781	24	07-01-21	2
62-32-308, 62-32-309	Amended	294	hb0781	32	07-01-21	2
62-32-310	Amended	294	hb0781	25	07-01-21	2
62-32-310, 62-32-311	Amended	294	hb0781	32	07-01-21	2
62-32-312	Amended	294	hb0781	26, 27, 32	07-01-21	2

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				28, 29,		
62-32-313	Amended	294	hb0781	32	07-01-21	2
62-32-314	Amended	294	hb0781	30	07-01-21	2
62-32-314 –						
62-32-320	Amended	294	hb0781	32	07-01-21	2
62-32-320	Amended	294	hb0781	33	07-01-21	2
62-32-323	Amended	294	hb0781	31, 32	07-01-21	2
62-35-103	Amended	322	hb0412	1	07-01-21	2
62-35-137	Amended	294	hb0781	34	07-01-21	2
62-35-137	Repealed	572	sb0012	2	05-27-21	2
62-35-143	Added	294	hb0781	35	07-01-21	2
62-39-317	Amended	549	sb0771	36	10-01-21	2
62-39-320	Amended	549	sb0771	37	10-01-21	2
62-76-104	Amended	410	hb0785	22, 23	05-12-21	2
62-76-106	Added*	222	hb0188	1	01-01-22	2
62-76-203	Amended	572	sb0012	3	05-27-21	2
63-1-144	Amended	403	hb0079	2	05-12-21	2
63-1-150	Amended	150	sb1275	1	07-01-21	1
63-1-155	Amended	62	sb0753	5	03-29-21	1
63-1-155	Amended	153	sb1589	1	04-13-21	1
63-1-155	Amended	179	hb0508	1–3	04-20-21	1
63-1-155	Amended	357	sb0929	1, 2	05-11-21	2
63-1-159	Amended	309	hb0215	7	07-01-22	2
63-1-162	Amended	565	hb1080	5	05-26-21	2
63-1-164	Amended	468	sb0484	1	05-18-21	2
63-1-168	Added*	259	sb0615	1	07-01-21	2
63-1-169	Added*	460	sb0126	1	05-18-21	2
63-1-170	Added*	461	sb0212	1	05-18-21	2
63-3-103	Amended	9	sb0042	2	03-23-21	1
63-4-102	Amended	3	sb0034	2	03-23-21	1
63-4-102	Amended	199	sb0592	1	04-22-21	1
63-5-101	Amended	5	sb0036	2	03-23-21	1
63-5-103	Amended	231	hb1091	1	04-22-21	2
63-5-111	Amended	476	sb0702	1	05-18-21	2
63-5-123	Added*	465	sb0410	1	05-18-21	2
63-6-901	Amended	209	sb1079	2	04-22-21	2
63-7-105	Amended	340	hb1353	1	05-04-21	2
63-7-130	Added*	461	sb0212	2	05-18-21	2
63-7-201	Amended	288	hb0267	2	04-30-21	2
63-8-103	Amended	8	sb0041	2	03-23-21	1
63-10-216	Amended	149	sb1269	1	04-13-21	1
63-10-222	Amended	64	sb0785	118	03-29-21	1
63-11-101	Amended	71	hb0264	2	03-29-21	1
63-11-401	Added	160	sb0101	2	07-01-22	1
63-11-401	Amended	160	sb0101	1	04-20-21	1
63-11-402 –						
63-11-411	Added	160	sb0101	2	07-01-22	1
63-11-501	Added*	352	sb1612	1	05-11-21	2
63-11-502	Added*	352	sb1612	1	05-11-21	2
63-11-503	Added*	352	sb1612	1	05-11-21	2
63-11-504	Added*	352	sb1612	1	05-11-21	2
63-12-104	Amended	10	sb0043	2	03-23-21	1

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63-13-103	Amended	143	sb1072	1-6	07-01-21	1
63-13-208	Amended	143	sb1072	7	07-01-21	1
63-13-216	Amended	143	sb1072	8	07-01-21	1
63-13-303	Amended	130	sb0584	1	04-13-21	1
63-14-101	Amended	6	sb0037	2	03-23-21	1
63-17-104	Amended	4	sb0035	2	03-23-21	1
63-19-101	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-102	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-103	Added*	565	hb1080	6	05-26-21	2
63-19-103	Amended	7	sb0039	2	03-23-21	1
63-19-103	Amended	565	hb1080	2	05-26-21	2
63-19-103	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-104	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-105	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-106	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-107	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-108	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-109	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-110	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-111	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-112	Added*, Added*	461	sb0212	3	05-18-21	2
63-19-112	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-113	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-114	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-115	Added*, Repealed	565	hb1080	6	05-26-21	2
63-19-201	Amended	565	hb1080	7	05-26-21	2
63-19-202	Amended	565	hb1080	8	05-26-21	2
63-31-103	Amended	325	hb0493	2	05-04-21	2
64-1-203	Amended	203	sb0719	16	04-22-21	2
64-1-210	Amended	203	sb0719	17	04-22-21	2
64-1-212	Amended	165	sb0276	1	04-20-21	1
64-1-1102	Amended	203	sb0719	18	04-22-21	2
64-1-1107	Amended	203	sb0719	19	04-22-21	2
64-3-108	Amended	203	sb0719	20	04-22-21	2
64-8-101	Amended	81	hb0254	2	03-31-21	1
65-1-101	Amended	50	sb0089	2	03-29-21	1
65-1-101	Amended	583	sb0242	1	05-27-21	2
65-1-104	Amended	583	sb0242	2	05-27-21	2

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65-1-105	Amended	583	sb0242	3	05-27-21	2
65-1-124	Added*	178	hb0486	1	04-20-21	1
65-4-118	Amended	349	sb0046	2	06-30-21	2
65-28-108	Amended	307	hb0054	11	07-01-21	2
65-31-102	Amended	307	hb0054	1	07-01-21	2
65-31-106	Amended	307	hb0054	2	07-01-21	2
65-31-107	Amended	307	hb0054	3	07-01-21	2
65-31-108	Amended	307	hb0054	4, 5	07-01-21	2
65-31-111	Amended	307	hb0054	6	07-01-21	2
65-31-112	Amended	307	hb0054	7	07-01-21	2
65-31-114	Amended	307	hb0054	8	07-01-21	2
65-31-117	Amended	307	hb0054	9	07-01-21	2
65-31-120	Amended	307	hb0054	10	07-01-21	2
66-7-109	Amended	100	sb0459	3	07-01-21	1
66-7-112	Added*	293	hb0732	1	07-01-21	2
66-24-101	Amended	181	hb0633	1, 2	07-01-21	1
66-27-602	Amended	80	hb0128	1	03-31-21	1
66-27-603	Amended	80	hb0128	2	03-31-21	1
66-27-701 –						
66-27-705	Added	151	sb1381	1	05-01-21	1
66-28-102	Amended	182	hb0716	1, 2	07-01-21	1
66-28-104	Amended	100	sb0459	2	07-01-21	1
66-28-205	Added*	293	hb0732	2	07-01-21	2
66-28-522	Added*	100	sb0459	1	07-01-21	1
66-29-106	Amended	258	sb0611	1	04-28-21	2
66-29-124	Amended	258	sb0611	2, 3	04-28-21	2
66-29-152	Amended	258	sb0611	4	04-28-21	2
67-1-108	Amended	214	hb0038	1	07-01-21	2
67-1-1429	Amended	217	hb0084	1	04-22-21	2
67-1-1707	Amended	327	hb0560	1	05-04-21	2
67-1-1802	Amended	480	sb0883	1, 2	10-01-21	2
67-4-402	Amended	158	sb0026	3, 4	06-01-21	1
67-4-605	Amended	303	sb0708	12	07-01-21	2
67-4-722	Amended	327	hb0560	2	05-04-21	2
67-4-901,						
67-4-902;						
67-4-904 –						
67-4-907	Repealed	285	hb0085	1	04-30-21	2
67-4-1001	Amended	69	sb0143	1–3	03-31-21	1
67-4-1005	Amended	69	sb0143	4	03-31-21	1
67-4-1401	Amended	264	sb0852	3, 4	04-30-21	2
67-4-1401	Amended	334	hb0856	1	07-01-21	2
67-4-1401	Amended	496	sb1030	1, 2	07-01-21	2
67-4-1402	Amended	496	sb1030	3	07-01-21	2
67-4-1403	Amended	496	sb1030	4	07-01-21	2
67-4-1414	Added*	496	sb1030	6	07-01-21	2
67-4-1425	Repealed	496	sb1030	5	07-01-21	2
67-4-1501	Amended	264	sb0852	5, 6	04-30-21	2
67-4-2006	Amended	154	hb0776	1, 2	04-14-21	1
67-4-2009	Amended	517	hb0191	1	05-25-21	2
67-4-2015	Amended	559	hb1011	1	05-26-21	2
67-4-2109	Amended	70	hb0141	2	07-01-21	1

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67-4-2109	Amended	194	sb0541	9	04-22-21	1
67-4-2301 –						
67-4-2307;						
67-4-2401 –						
67-4-2410;						
67-4-2501 –						
67-4-2508;						
67-4-2701 –						
67-4-2712	Repealed	285	hb0085	1	04-30-21	2
67-4-2910	Amended	273	sb1262	1	04-30-21	2
67-5-516	Added*	138	sb0795	2	07-01-21	1
67-5-1005	Amended	383	sb1532	1	05-11-21	2
67-5-1006	Amended	383	sb1532	2	05-11-21	2
67-5-1007	Amended	383	sb1532	3	05-11-21	2
67-5-1008	Amended	383	sb1532	4	05-11-21	2
67-5-2004	Amended	522	hb0358	1	05-25-21	2
67-6-102	Amended	86	hb0131	1	07-01-21	1
67-6-102	Amended	285	hb0085	1	04-30-21	2
67-6-102	Amended	289	hb0367	1	10-01-21	2
67-6-103	Amended	285	hb0085	1	04-30-21	2
67-6-103	Amended	401	hb1437	1–4	07-01-21	2
67-6-103	Amended	422	hb1204	1	07-01-21	2
67-6-103	Amended	481	sb0897	1	07-01-21	2
67-6-103	Amended	558	hb0975	2	07-01-21	2
67-6-103	Amended	591	sb0481	1	05-27-21	2
67-6-104	Amended	561	hb1042	1	05-26-21	2
67-6-201,						
67-6-202	Amended	285	hb0085	1	04-30-21	2
67-6-202	Amended	289	hb0367	2	10-01-21	2
67-6-203;						
67-6-205,						
67-6-206;						
67-6-209	Amended	285	hb0085	1	04-30-21	2
67-6-209	Amended	429	sb0146	1	05-13-21	2
67-6-217	Amended	285	hb0085	1	04-30-21	2
67-6-217	Amended	477	sb0772	1	07-01-21	2
67-6-219;						
67-6-221;						
67-6-226,						
67-6-227	Repealed	285	hb0085	1	04-30-21	2
67-6-313;						
67-6-322	Amended	285	hb0085	1	04-30-21	2
67-6-323	Added*	70	hb0141	1	07-01-21	1
67-6-329	Amended	139	sb0874	1	07-01-21	1
67-6-329	Amended	285	hb0085	1	04-30-21	2
67-6-329	Amended	289	hb0367	3	10-01-21	2
67-6-349	Amended	285	hb0085	1	04-30-21	2
67-6-385,						
67-6-386	Repealed	285	hb0085	1	04-30-21	2
67-6-393	Amended	456	sb0909	1	07-01-21	2
67-6-393	Amended	592	sb0551	1	05-27-21	2

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67-6-407,						
67-6-408;						
67-6-504	Amended	285	hb0085	1	04-30-21	2
67-6-504	Amended	289	hb0367	4	10-01-21	2
67-6-505	Amended	275	sb1326	1	07-01-21	2
67-6-528;						
67-6-536;						
67-6-539;						
67-6-601	Amended	285	hb0085	1	04-30-21	2
67-6-601	Amended	289	hb0367	5	10-01-21	2
67-6-702;						
67-6-704;						
67-6-706;						
67-6-710;						
67-6-712	Amended	285	hb0085	1	04-30-21	2
67-6-712	Amended	401	hb1437	5-7	07-01-21	2
67-6-712	Amended	422	hb1204	2	07-01-21	2
67-6-712	Amended	558	hb0975	3	07-01-21	2
67-6-714	Amended	285	hb0085	1	04-30-21	2
67-6-715,						
67-6-716	Repealed	285	hb0085	1	04-30-21	2
67-7-104	Amended	548	sb0742	1	05-26-21	2
67-7-104	Amended	548	sb0742	13	Contingency	2
67-7-110	Amended	548	sb0742	1	05-26-21	2
67-7-110	Amended	548	sb0742	14	Contingency	2
68-1-101	Amended	565	hb1080	9	05-26-21	2
68-1-125	Amended	64	sb0785	119	03-29-21	1
68-1-138	Amended	309	hb0215	8	07-01-22	2
68-1-141	Added*	114	sb0133	1	04-13-21	1
68-1-142	Added*	157	sb0020	1	04-20-21	1
68-1-201	Amended	550	sb0858	5	05-26-21	2
68-1-403	Added*	346	hb0778	1	05-06-21	2
68-2-601	Amended	106	sb1368	1	04-07-21	1
68-2-601	Amended	550	sb0858	1	05-26-21	2
68-2-603	Amended	513	hb0013	4, 5	05-25-21	2
68-2-603	Amended	550	sb0858	2, 3	05-26-21	2
68-2-609	Amended	550	sb0858	4	05-26-21	2
68-3-301 –						
68-3-305	Repealed	101	sb0723	28	07-01-22	1
68-3-313	Amended	101	sb0723	29	07-01-22	1
68-3-505	Amended	348	hb1181	4	07-01-21	2
68-3-506	Amended	348	hb1181	5	07-01-21	2
68-5-106	Amended	513	hb0013	6	05-25-21	2
68-5-115	Added*	513	hb0013	1	05-25-21	2
68-5-116	Added*	513	hb0013	7	05-25-21	2
68-5-117	Added*	550	sb0858	6	05-26-21	2
68-7-101,						
68-7-102	Added*	577	sb0118	1	05-27-21	2
68-7-102	Amended	577	sb0118	2	05-27-21	2
68-7-103 –						
68-7-109	Added*	577	sb0118	1	05-27-21	2
68-11-201	Amended	124	sb0478	1	04-13-21	1

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68-11-203	Amended	557	hb0948	4	10-01-21	2
68-11-209	Amended	148	sb1266	1	04-13-21	1
68-11-218	Amended	461	sb0212	5	05-18-21	2
68-11-222	Amended	565	hb1080	10	05-26-21	2
68-11-244	Added*	396	hb0559	1	05-11-21	2
68-11-260	Amended	124	sb0478	2	04-13-21	1
68-11-1601	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1602	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1603	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1604	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1605	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1606	Repealed	557	hb0948	1	10-01-21	2
68-11-1607	Added*	557	hb0948	1	10-01-21	2
68-11-1607	Amended	557	hb0948	6	05-26-21	2
68-11-1607	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1608	Repealed	557	hb0948	1	10-01-21	2
68-11-1609	Added*	557	hb0948	1	10-01-21	2
68-11-1609	Amended	557	hb0948	7, 8	05-26-21	2
68-11-1609	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1610	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1611	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1612	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1613	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1614	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1615	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1616	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1617	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1618	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1619	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1620	Repealed Added*,	557	hb0948	1	10-01-21	2
68-11-1621	Repealed	557	hb0948	1	10-01-21	2
68-11-1622	Added*	557	hb0948	1	10-01-21	2
68-11-1622	Amended	557	hb0948	9	05-26-21	2

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68-11-1622	Repealed	557	hb0948	1	10-01-21	2
	Added*,					
68-11-1623	Repealed	557	hb0948	1	10-01-21	2
	Added*,					
68-11-1624	Repealed	557	hb0948	1	10-01-21	2
	Added*,					
68-11-1625	Repealed	557	hb0948	1	10-01-21	2
68-11-1626	Added*	557	hb0948	1	10-01-21	2
68-11-1626						
—						
68-11-1628	Repealed	557	hb0948	1	10-01-21	2
68-11-1628	Repealed	557	hb0948	10	05-26-21	2
68-11-1629	Repealed	557	hb0948	1	10-01-21	2
68-11-1629	Repealed	557	hb0948	11	05-26-21	2
68-11-1630,						
68-11-1631	Repealed	557	hb0948	1	10-01-21	2
68-11-1631	Repealed	557	hb0948	12	05-26-21	2
68-11-1632	Repealed	557	hb0948	1	10-01-21	2
68-11-1632	Repealed	557	hb0948	13	05-26-21	2
68-11-1633,						
68-11-1634	Repealed	557	hb0948	1	10-01-21	2
68-11-1634	Repealed	557	hb0948	14	05-26-21	2
68-29-103	Amended	495	sb0982	1, 4	05-25-21	2
68-29-104	Amended	495	sb0982	3	05-25-21	2
68-29-116	Amended	495	sb0982	2	05-25-21	2
68-29-121	Amended	495	sb0982	5	05-25-21	2
68-29-129	Amended	495	sb0982	6	05-25-21	2
68-31-101 —						
68-31-103	Added*	441	sb0488	1	07-01-21	2
68-101-104	Amended	177	hb0252	1	04-20-21	1
68-104-102	Amended	485	sb1111	1	10-01-21	2
68-104-208	Amended	435	sb0263	1-3	07-01-21	2
68-105-120	Amended	548	sb0742	1	05-26-21	2
68-105-120	Amended	548	sb0742	15	Contingency	2
68-115-103	Amended	32	sb0081	2	03-23-21	1
68-115-108	Amended	549	sb0771	38	10-01-21	2
68-115-206	Amended	549	sb0771	39	10-01-21	2
68-120-101	Amended	332	hb0749	1, 2	09-01-21	2
68-120-120	Added*	453	hb1182	1	07-01-21	2
68-203-103	Amended	548	sb0742	1	05-26-21	2
68-204-104	Amended	448	sb0849	1	05-13-21	2
68-205-101						
—						
68-205-115	Added*	138	sb0795	1	07-01-21	1
68-211-104;						
68-212-105;						
68-221-201	Amended	548	sb0742	1	05-26-21	2
68-221-611	Amended	256	sb0534	8	04-28-21	2
68-221-618	Amended	126	sb0495	1	04-13-21	1
68-221-703	Amended	548	sb0742	1	05-26-21	2
68-221-1003	Amended	99	sb0428	1	04-07-21	1
68-221-1005	Amended	99	sb0428	3	04-07-21	1

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68-221-1006	Amended	99	sb0428	2	04-07-21	1
68-221-1010	Amended	226	hb0651	2	04-22-21	2
68-221-1017	Amended	226	hb0651	3	04-22-21	2
68-221-1111	Amended	548	sb0742	1	05-26-21	2
68-221-1206	Amended	79	hb0091	1, 2	03-31-21	1
68-221-1306	Amended	256	sb0534	9	04-28-21	2
68-221-1311	Amended	256	sb0534	10	04-28-21	2
69-3-103,						
69-3-104	Amended	548	sb0742	1	05-26-21	2
69-3-105	Amended	263	sb0790	1	04-28-21	2
69-3-105	Amended	548	sb0742	1	05-26-21	2
69-3-108	Amended	208	sb1049	1	04-22-21	2
69-3-116	Amended	208	sb1049	2	04-22-21	2
69-3-135;						
69-3-138,						
69-3-139;						
69-3-146	Amended	548	sb0742	1	05-26-21	2
69-6-103	Amended	203	sb0719	21	04-22-21	2
69-6-104	Amended	203	sb0719	22	04-22-21	2
69-6-106	Amended	203	sb0719	23	04-22-21	2
69-6-107	Amended	203	sb0719	24	04-22-21	2
69-6-111	Amended	203	sb0719	25, 26	04-22-21	2
69-6-112	Amended	203	sb0719	27	04-22-21	2
69-6-115	Amended	203	sb0719	28	04-22-21	2
69-6-117	Amended	203	sb0719	29	04-22-21	2
69-6-120	Amended	203	sb0719	30	04-22-21	2
69-6-121	Amended	203	sb0719	31	04-22-21	2
69-6-122	Amended	203	sb0719	32	04-22-21	2
69-6-142	Amended	203	sb0719	33	04-22-21	2
69-6-148	Amended	203	sb0719	34	04-22-21	2
69-7-206,						
69-7-207;						
69-7-210;						
69-7-303	Amended	548	sb0742	1	05-26-21	2
69-9-219	Amended	434	sb0246	1, 2	07-01-21	2
70-2-104	Amended	385	sb1584	1	05-11-21	2
70-2-107	Amended	270	sb1199	1	07-01-21	2
70-2-201	Amended	241	sb0119	1	04-28-21	2
70-2-201	Amended	270	sb1199	2	07-01-21	2
70-2-205	Amended	270	sb1199	3	07-01-21	2
70-2-206	Amended	270	sb1199	4	07-01-21	2
70-2-208	Amended	270	sb1199	5	07-01-21	2
70-2-215	Amended	270	sb1199	6	07-01-21	2
70-2-219	Amended	270	sb1199	7	07-01-21	2
70-2-220	Amended	270	sb1199	8	07-01-21	2
70-2-221	Amended	270	sb1199	9	07-01-21	2
71-1-105	Amended	498	sb1104	4	05-25-21	2
71-1-105	Amended	515	hb0142	1	07-01-21	2
71-1-124	Added	308	hb0146	1	05-04-21	2
71-1-130	Amended	484	sb1105	1	05-18-21	2
71-1-130	Amended	498	sb1104	1-3	05-25-21	2
71-1-132	Amended	526	hb0447	1	05-25-21	2

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71-3-104	Amended	515	hb0142	5	07-01-21	2
71-3-105	Amended	515	hb0142	6, 7	07-01-21	2
71-3-120	Amended	515	hb0142	2	07-01-21	2
71-3-502	Amended	280	sb0749	1-21	07-01-21	2
71-3-503	Amended	162	sb0164	1	07-01-21	1
71-3-509	Amended	280	sb0749	22-24	07-01-21	2
71-3-514	Amended	280	sb0749	25, 26	07-01-21	2
71-3-519	Added	406	hb0670	1	05-12-21	2
71-4-703	Amended	72	hb0272	2	03-29-21	1
71-5-106	Amended	64	sb0785	120	03-29-21	1
71-5-107	Amended	64	sb0785	121	03-29-21	1
71-5-107	Amended	524	hb0419	1	01-01-22	2
71-5-118	Amended	64	sb0785	122	03-29-21	1
71-5-151	Amended	64	sb0785	123	03-29-21	1
71-5-152	Amended	64	sb0785	124	03-29-21	1
71-5-166	Added*	186	hb0992	1	04-20-21	1
71-5-188	Amended	64	sb0785	125	03-29-21	1
71-5-190	Amended	64	sb0785	126	03-29-21	1
71-5-201	Amended	565	hb1080	11	05-26-21	2
71-5-314	Amended	515	hb0142	3	07-01-21	2
71-5-1002	Amended	530	hb0556	1	07-01-21	2
71-5-1003	Amended	530	hb0556	2-7	07-01-21	2
71-5-1006	Amended	530	hb0556	8	07-01-21	2
71-5-1010	Amended	530	hb0556	9	07-01-21	2
71-5-1201 -						
71-5-1204	Amended	515	hb0142	4	07-01-21	2
71-5-1504	Amended	122	sb0345	2	04-13-21	1
71-5-1509	Amended	122	sb0345	1	04-13-21	1
71-5-2001 -						
71-5-2005	Added	459	sb0123	1	06-30-21	2
71-5-2005	Amended	459	sb0123	2	05-18-21	2
71-5-2006,						
71-5-2007	Added	459	sb0123	1	06-30-21	2
71-5-2401	Amended	110	sb0075	2	04-13-21	1
71-5-2505	Amended	64	sb0785	127	03-29-21	1
71-5-2508	Amended	64	sb0785	128	03-29-21	1
71-5-2512	Amended	64	sb0785	129	03-29-21	1
71-6-118	Amended	500	sb1228	18	10-01-21	2
71-6-125	Amended	64	sb0785	130	03-29-21	1
71-6-126	Amended	464	sb0304	1	05-18-21	2

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20	03-23-21	75	03-29-21
21	03-23-21	76	03-29-21
22	03-23-21	77	01-01-22
23	03-23-21	78	03-31-21
24	03-23-21	79	03-31-21
25	03-23-21	80	03-31-21
26	03-23-21	81	03-31-21
27	03-23-21	82	03-31-21
28	03-23-21	83	04-07-21
29	03-23-21	84	01-01-21
30	03-23-21	85	04-07-21
31	03-23-21	86	07-01-21
32	03-23-21	87	07-01-21
33	03-23-21	88	01-01-22
34	03-23-21	89	04-07-21
35	03-23-21	90	04-07-21
36	07-01-21	91	07-01-21
37	03-23-21	92	04-07-21
38	03-23-21	93	07-01-21
39	03-23-21	94	04-07-21
40	03-26-21	95	04-07-21
41	03-29-21	96	04-07-21
42	03-29-21	97	07-01-21
43	03-29-21	98	04-07-21
44	03-29-21	99	04-07-21
45	03-29-21	100	07-01-21
46	03-29-21	101	07-01-22
47	03-29-21	102	04-07-21
48	03-29-21	103	04-07-21
49	03-29-21	104	07-01-21
50	03-29-21	105	04-07-21
51	03-29-21	106	04-07-21

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Ch. No.	Date	Ch. No.	Date
107	07-01-21	167	04-20-21
108	07-01-21	168	07-01-21
109	04-13-21	169	07-01-21
110	04-13-21	170	04-20-21
111	04-13-21	171	04-20-21
112	04-13-21	172	04-20-21
113	04-13-21	173	04-20-21
114	04-13-21	174	04-20-21
115	07-01-21	175	04-20-21
116	04-13-21	176	07-01-21
117	01-01-22	177	04-20-21
118	04-13-21	178	04-20-21
119	04-13-21	179	04-20-21
120	04-13-21	180	07-01-21
121	04-13-21	181	07-01-21
122	04-13-21	182	07-01-21
123	04-13-21	183	07-01-21
124	04-13-21	184	07-01-21
125	04-13-21	185	04-20-21
126	04-13-21	186	04-20-21
127	04-13-21	187	04-20-21
128	04-13-21	188	07-01-21
129	04-13-21	189	07-01-21
130	04-13-21	190	04-22-21
131	04-13-21	191	04-22-21
132	07-01-21	192	04-22-21
133	04-13-21	193	04-22-21
134	07-01-21	194	04-22-21
135	04-13-21	195	04-22-21
136	04-13-21	196	04-22-21
137	01-01-22	197	04-22-21
138	07-01-21	198	04-22-21
139	07-01-21	199	04-22-21
140	04-13-21	200	04-22-21
141	04-13-21	201	04-22-21
142	04-13-21	202	04-22-21
143	07-01-21	203	04-22-21
144	07-01-21	204	04-22-21
145	04-13-21	205	04-22-21
146	04-13-21	206	07-01-21
147	07-01-21	207	07-01-21
148	04-13-21	208	04-22-21
149	04-13-21	209	04-22-21
150	07-01-21	210	07-01-21
151	05-01-21	211	04-22-21
152	07-01-21	212	04-22-21
153	04-13-21	213	07-01-21
154	04-14-21	214	07-01-21
155	07-01-21	215	07-01-21
156	04-20-21	216	04-22-21
157	04-20-21	217	04-22-21
158	06-01-21	218	04-22-21
159	04-20-21	219	04-22-21
160	07-01-22	220	07-01-21
161	04-20-21	221	07-01-21
162	07-01-21	222	01-01-22
163	07-01-21	223	07-01-21
164	07-01-21	224	04-22-21
165	04-20-21	225	07-01-21
166	07-01-21	226	04-22-21

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Ch. No.	Date	Ch. No.	Date
227	07-01-21	287	04-30-21
228	07-01-21	288	04-30-21
229	04-22-21	289	10-01-21
230	04-22-21	290	04-30-21
231	04-22-21	291	07-01-21
232	04-22-21	292	07-01-21
233	04-22-21	293	07-01-21
234	04-22-21	294	07-01-21
235	07-01-21	295	07-01-21
236	07-01-21	296	04-30-21
237	04-22-21	297	04-30-21
238	04-28-21	298	07-01-21
239	04-28-21	299	07-01-21
240	07-01-21	300	07-01-21
241	04-28-21	301	01-01-22
242	04-28-21	302	05-04-21
243	04-28-21	303	07-01-21
244	04-28-21	304	07-01-21
245	07-01-21	305	05-04-21
246	07-01-21	306	05-04-21
247	04-28-21	307	07-01-21
248	07-01-21	308	05-04-21
249	07-01-22	309	07-01-22
250	04-28-21	310	07-01-21
251	04-28-21	311	07-01-21
252	07-01-21	312	05-04-21
253	04-28-21	313	05-04-21
254	04-28-21	314	05-04-21
255	04-28-21	315	05-04-21
256	04-28-21	316	05-04-21
257	04-28-21	317	05-04-21
258	04-28-21	318	05-04-21
259	07-01-21	319	07-01-21
260	07-01-21	320	05-04-21
261	04-28-21	321	05-04-21
262	04-28-21	322	07-01-21
263	04-28-21	323	05-04-21
264	04-30-21	324	05-04-21
265	07-01-21	325	05-04-21
266	07-01-21	326	05-04-21
267	04-30-21	327	05-04-21
268	04-30-21	328	07-01-21
269	04-30-21	329	05-04-21
270	07-01-21	330	05-04-21
271	04-30-21	331	05-04-21
272	07-01-21	332	09-01-21
273	04-30-21	333	05-04-21
274	04-30-21	334	07-01-21
275	07-01-21	335	07-01-21
276	04-30-21	336	05-04-21
277	07-01-21	337	05-04-21
278	07-01-21	338	05-04-21
279	05-03-21	339	05-04-21
280	07-01-21	340	05-04-21
281	02-03-14	341	07-01-21
282	04-30-21	342	04-18-22
283	04-30-21	343	04-18-22
284	07-01-21	344	07-01-21
285	04-30-21	345	07-01-21
286	04-30-21	346	05-06-21

Ch. No.	Date	Ch. No.	Date
347	07-01-21	407	05-12-21
348	07-01-21	408	05-12-21
349	06-30-21	409	07-01-21
350	05-11-21	410	05-12-21
351	05-11-21	411	07-01-21
352	05-11-21	412	05-12-21
353	07-01-21	413	01-01-22
354	07-01-21	414	05-12-21
355	07-01-21	415	07-01-21
356	05-11-21	416	07-01-21
357	05-11-21	417	05-12-21
358	07-01-21	418	07-01-21
359	05-11-21	419	01-01-22
360	07-01-21	420	07-01-21
361	07-01-21	421	07-01-21
362	07-01-21	422	07-01-21
363	07-01-21	423	07-01-21
364	07-01-21	424	05-12-21
365	05-11-21	425	05-12-21
366	05-11-21	426	05-12-21
367	05-11-21	427	07-01-21
368	07-01-21	428	05-13-21
369	07-01-21	429	05-13-21
370	05-11-21	430	07-01-21
371	05-11-21	431	05-13-21
372	07-01-21	432	10-01-21
373	05-11-21	433	05-13-21
374	01-01-22	434	07-01-21
375	05-11-21	435	07-01-21
376	05-11-21	436	07-01-21
377	07-01-21	437	05-13-21
378	05-11-21	438	05-13-21
379	05-11-21	439	07-01-21
380	07-01-21	440	07-01-21
381	05-11-21	441	07-01-21
382	07-01-21	442	05-13-21
383	05-11-21	443	05-13-21
384	05-11-21	444	05-13-21
385	05-11-21	445	05-13-21
386	05-11-21	446	07-01-21
387	07-01-21	447	05-13-21
388	05-11-21	448	05-13-21
389	07-01-21	449	07-01-21
390	01-01-22	450	05-14-21
391	05-11-21	451	05-14-21
392	07-01-21	452	07-01-21
393	05-11-21	453	07-01-21
394	07-01-21	454	07-01-21
395	07-01-21	455	05-17-21
396	05-11-21	456	07-01-21
397	05-11-21	457	05-17-21
398	05-11-21	458	07-01-21
399	05-11-21	459	05-18-21
400	01-01-22	460	05-18-21
401	07-01-21	461	05-18-21
402	07-01-21	462	05-18-21
403	05-12-21	463	05-18-21
404	07-01-21	464	05-18-21
405	07-01-21	465	05-18-21
406	05-12-21	466	07-01-21

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Ch. No.	Date	Ch. No.	Date
467	07-01-21	527	05-25-21
468	05-18-21	528	07-01-21
469	05-18-21	529	05-25-21
470	05-18-21	530	07-01-21
471	05-18-21	531	07-01-21
472	05-18-21	532	05-25-21
473	07-01-21	533	05-25-21
474	07-01-21	534	05-25-21
475	07-01-21	535	07-01-21
476	05-18-21	536	01-01-22
477	07-01-21	537	05-25-21
478	07-01-21	538	05-25-21
479	05-18-21	539	07-01-21
480	10-01-21	540	07-01-21
481	07-01-21	541	07-01-21
482	05-18-21	542	07-01-21
483	05-18-21	543	05-25-21
484	05-18-21	544	07-01-21
485	10-01-21	545	07-01-21
486	01-01-22	546	07-01-21
487	05-18-21	547	05-26-21
488	05-18-21		05-26-21; Contin-
489	05-18-21	548	gency
490	05-24-21	549	10-01-21
491	05-24-21	550	05-26-21
492	05-25-21	551	07-01-21
493	05-25-21	552	05-26-21
494	07-01-21	553	05-26-21
495	05-25-21	553	05-26-21
496	07-01-21	554	07-01-21
497	05-25-21	555	05-26-21
498	05-25-21	556	05-26-21
499	05-25-21	557	05-26-21
500	10-01-21	558	07-01-21
501	07-01-21	559	05-26-21
502	07-01-21	560	05-26-21
503	05-25-21	561	05-26-21
504	07-01-21	562	05-26-21
505	07-01-21	563	07-01-21
506	07-01-21	564	07-01-21
507	07-01-22	565	05-26-21
508	07-01-21	566	07-01-21
509	07-01-21	567	07-01-21
510	05-25-21	568	07-01-21
511	07-01-21	569	07-01-21
512	05-25-21	570	11-08-22
513	05-25-21	571	07-01-22
514	05-25-21	572	05-27-21
515	07-01-21	573	07-01-21
516	10-01-21	574	07-01-21
517	05-25-21	575	05-27-21
518	05-25-21	576	05-27-21
519	07-01-22	577	05-27-21
520	05-25-21	578	05-27-21
521	07-01-21	579	07-01-21
522	05-25-21	580	07-01-21
523	07-01-21	581	05-27-21
524	01-01-22	582	05-27-21
525	07-01-21	583	05-27-21
526	05-25-21	584	07-01-21

TABLE OF EFFECTIVE DATES

Ch. No.	Date	Ch. No.	Date
585	05-27-21	592	05-27-21
586	07-01-21	593	01-01-22
587	07-01-21	594	05-27-21
588	01-01-22	595	05-27-21
589	05-27-21		
590	07-01-21		
591	05-27-21		

PUBLIC CHAPTER NO. 201**SENATE BILL NO. 699****By Lundberg, Pody, Gardenhire, Rose**

Substituted for: House Bill No. 809

By Powell, Lamberth, Cooper, Camper, Hurt, Grills, Thompson, Ramsey,
Parkinson, Lafferty, Faison

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5,
relative to confidentiality of data captured from license plate reader
systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended
by adding the following as a new subdivision:

() (A) Captured plate data from automatic license plate reader
systems must be treated as confidential and shall not be open for
inspection by members of the public. As used in this subdivision (a)():

(i) "Automatic license plate reader system" means one
(1) or more mobile or fixed automated high-speed cameras used in
combination with computer algorithms to convert images of license
plates into computer-readable data; and

(ii) "Captured plate data" means global positioning
system coordinates, date and time information, photographs, license
plate numbers, and any other data captured by or derived from any
automatic license plate reader system.

(B) This subdivision (a)() is repealed effective July 1, 2026.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 202

SENATE BILL NO. 718

By Johnson, Jackson

Substituted for: House Bill No. 61

By Lamberth, Gant, Darby, Ragan

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 1; Section 53-7-202 and Section 53-7-220, relative to food, drug, and cosmetic safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 53, ch. 1, part 2; 53-1-201; 53-1-202; 53-1-203; 53-1-204; 53-1-205; 53-1-206; 53-1-207; 53-1-208; 53-1-209; 53-1-210; T. 53, ch. 1, part 2; 53-1-201; 53-1-202; 53-1-203; 53-1-204]

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 2, is amended by deleting the part and substituting instead the following:

§ 53-1-201.

(a) Whenever an agent of the commissioner has probable cause to believe that any food, drug, device, or cosmetic is adulterated or so misbranded as to be dangerous or fraudulent, the agent shall mark the article as “detained” or “embargoed”. It is a violation of this chapter for any person to remove or dispose of the detained or embargoed article by sale or otherwise without permission of the agent or the court.

(b) When an article detained or embargoed under subsection (a) has been found by the agent to be adulterated or misbranded, the agent shall petition the judge of a circuit or chancery court in whose jurisdiction the article is detained or embargoed for an order of condemnation of the article. If, however, the agent subsequently finds that an article so detained or embargoed is not adulterated or misbranded, or if the agent fails to petition for an order of condemnation within fifteen (15) days of the detainer or embargo, the agent shall remove the marking.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, the article must, after entry of the decree, be destroyed at the expense of the claimant of the detained or embargoed article, under the supervision of the agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of the article, unless the adulteration or misbranding can be corrected by proper labeling or processing of the article, in which case the court, after entry of the decree, and after the costs, fees, and expenses have been paid, may, by order, direct that the article be delivered to the claimant of the article for the labeling or processing under the supervision of an agent of the commissioner, with the expense of the supervision to be paid by the claimant.

(d) Whenever the commissioner or any of the commissioner’s authorized agents find, in any room, building, vehicle of transportation,

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or other structure, any meat, seafood, poultry, vegetable, fruit, or other perishable articles that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the meat, seafood, poultry, vegetable, fruit, or other perishable articles being declared to be a nuisance, the commissioner or the commissioner's authorized agent shall immediately condemn or destroy the meat, seafood, poultry, vegetable, fruit, or other perishable articles or in any other manner render the meat, seafood, poultry, vegetable, fruit, or other perishable articles unsalable as human food.

(e) In addition to the remedies provided elsewhere in this chapter, the commissioner is authorized to apply to a court of competent jurisdiction, and the court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating § 53-1-103(a), regardless of whether or not there exists an adequate remedy at law.

§ 53-1-202.

The commissioner may promulgate rules for the efficient enforcement of this chapter.

The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

§ 53-1-203.

(a) The commissioner or the commissioner's agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which foods, drugs, devices, or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold the foods, drugs, devices, or cosmetics in commerce, for the purpose of inspection and securing samples.

(b) Carriers engaged in intrastate commerce, and persons receiving food, drugs, devices, or cosmetics in intrastate commerce or holding those articles, shall permit an agent of the commissioner, at reasonable times, to access and copy all records showing, during or after the movement in intrastate commerce, the quantity, shipper, and consignee of the food, drug, device, or cosmetic.

(c) Carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

§ 53-1-204.

(a)(1) Except as provided in subsection (c), no person shall manufacture, process, pack, or hold food for introduction into commerce unless the person holds a valid license issued by the commissioner.

(2)(A) Applicants for licensure shall apply for the license on forms provided by the commissioner.

(B) The commissioner may issue a license to an applicant only upon receipt of the proper license fee and an inspection of the

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applicant's facility that indicates the applicant is in compliance with the requirements of this chapter and the rules promulgated thereunder.

(C) Licenses issued under this section expire on July 1 of each year, or as the commissioner may otherwise provide by rule.

(D) The commissioner shall set annual fees for licenses issued under this section by rule pursuant to § 43-1-703.

(b) The commissioner shall set, by rule under § 43-1-703, a fee for a certificate of free sale.

(c) No license shall be required under this section for any person who manufactures, processes, packs, or holds food for introduction into commerce, if:

(1) The food is not potentially hazardous, as defined by departmental rule;

(2) The person is not subject to any license or permit requirements under § 53-3-105, § 53-3-106, § 53-7-216, or § 53-8-206;

(3) The person introduces food into commerce only through direct retail sales to end consumers in this state;

(4) The person employs no regular, full-time employees for the manufacturing, processing, packing, or holding of food; and

(5) Prior to introducing the food into commerce, the person labels the food in accordance with this chapter and the rules promulgated by the commissioner.

(d) Exemption from licensure requirements under this section does not exempt any person from any other rules applicable to the manufacturing, processing, packing, or holding of food for introduction into commerce, including, but not limited to, requirements regarding recordkeeping, sanitary operation, and availability for inspection by agencies charged with enforcing food safety laws.

[53-1-103]

SECTION 2. Tennessee Code Annotated, Section 53-1-103(a)(4), is amended by deleting the language “§ 53-1-110, § 53-1-206, § 53-1-208, § 53-1-209” and substituting instead the language “§ 53-1-110, § 53-1-201, § 53-1-203, § 53-1-204”.

[53-1-103]

SECTION 3. Tennessee Code Annotated, Section 53-1-103(a)(6)(A), is amended by deleting the language “§ 53-1-208” and substituting instead the language “§ 53-1-203”.

[53-1-103]

SECTION 4. Tennessee Code Annotated, Section 53-1-103(a)(6)(B), is amended by deleting the language “§ 53-1-209” and substituting instead the language “§ 53-1-203”.

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SECTION 5. Tennessee Code Annotated, Section 53-1-103(a)(8), is amended by deleting the language “§ 53-1-202” and substituting instead the language “§ 53-1-201 “.

[53-1-105]

SECTION 6. Tennessee Code Annotated, Section 53-1-105(a), is amended by deleting subdivisions (7) and (8).

[53-1-304]

SECTION 7. Tennessee Code Annotated, Section 53-1-304, is amended by deleting the section.

[Effective date 4/22/2021]

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 203

SENATE BILL NO. 719

By Johnson, Rose

Substituted for: House Bill No. 764

By Lamberth, Gant, Tim Hicks, Littleton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Section 5-9-106; Section 6-58-104; Title 43, Chapter 14; Title 43, Chapter 34; Title 64 and Title 69, Chapter 6, relative to soil and water conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 43, ch. 14, part 1; 43-14-101]

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 14, Part 1, is amended by deleting the part.

[T. 43, ch. 14, part 2; 43-14-201; 43-14-202; 43-14-203; 43-14-204; 43-14-205; 43-14-206; 43-14-207; 43-14-208; 43-14-209; 43-14-210; 43-14-211; 43-14-212; 43-14-213; 43-14-214; 43-14-215; 43-14-216; 43-14-217; 43-14-218; 43-14-219; 43-14-220; 43-14-221; 43-14-222; 43-14-223; T. 43, ch. 14, part 2; 43-14-201; 43-14-202; 43-14-203; 43-14-204; 43-14-205; 43-14-206; 43-14-207; 43-14-208; 43-14-209; 43-14-210; 43-14-211; 43-14-212; 43-14-213; 43-14-214; 43-14-215; 43-14-216; 43-14-217; 43-14-218; 43-14-219]

SECTION 2. Tennessee Code Annotated, Title 43, Chapter 14, Part 2, is amended by deleting the part and substituting instead the following:

43-14-201. This part is known and may be cited as the “Soil and Water Conservation Districts Law.”

43-14-202. As used in this part, unless the context otherwise requires:

(1) “Agricultural industry representative” means any person:

(A) Engaged in a business that provides a service to, or good for, farmers engaged in production agriculture;

(B) Employed by a local, state, or federal agency that has as part of its mission the conservation of natural resources and the betterment of farming interests; or

(C) Possessing a graduate-level degree in agricultural science, agricultural engineering, or agricultural business;

(2) “commission” means the Tennessee soil and water conservation commission created by § 43-14-203;

(3) “commissioner” means the commissioner of agriculture;

(4) “District” or “soil and water conservation district” means a subdivision of this state and a public body corporate and politic, organized under this part, for the purpose, with the powers, and subject to the restrictions set forth in this part;

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(5) "Land occupier" means any person, other than the owner, who is in possession of any lands lying within a district, whether as lessee, renter, tenant, or otherwise;

(6) "Landowner" means any person who holds legal or equitable title to any lands lying within a district;

(7) "Neglect of duty" means a public official's failure to perform a duty of office;

(8) "Nominating petition" means a petition filed under § 43-14-214 to nominate candidates for the office of supervisor of a soil and water conservation district;

(9) "Petition" means a petition filed under § 43-14-207 for the creation of a district;

(10) "Supervisor" means a member of the governing body of a district, elected or appointed pursuant to this part;

(11) "Tennessee association of conservation districts" means the nonprofit organization consisting of the ninety-five (95) soil and water conservation districts in this state, with the mission of assisting the districts with the conservation of soil, water, and other natural resources through education, leadership, and advocacy;

(12) "Training and experience" means knowledge of existing conservation practices and programs, first-hand experience with installation of conservation practices, or education and training or experience in soil science, natural resources, environmental science, or a related field; and

(13) "United States" means the government of the United States, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality thereof.

43-14-203.

(a) There is established the Tennessee soil and water conservation commission to perform the functions conferred upon it in this part.

(b)(1) The commission consists of seven (7) members appointed by the governor and four (4) ex officio members.

(2) The seven (7) members appointed by the governor include:

(A) Two (2) members from the eastern grand division, one (1) of whom must be a farmer or agricultural industry representative and one (1) of whom must be a supervisor;

(B) Two (2) members from the middle grand division, one (1) of whom must be a farmer or agricultural industry representative and one (1) of whom must be a supervisor;

(C) Two (2) members from the western grand division, one (1) of whom must be a farmer or agricultural industry representative and one (1) of whom must be a supervisor; and

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(D) One (1) member who is a supervisor from the state at large.

(3)(A) The following persons serve as ex officio members of the commission and are voting members:

(i) The senior vice president and senior vice chancellor of the University of Tennessee Institute of Agriculture, or the senior vice president and senior vice chancellor's designee;

(ii) The commissioner of agriculture, or the commissioner's designee;

(iii) The commissioner of environment and conservation, or the commissioner's designee; and

(iv) The elected president of the Tennessee association of conservation districts, or the president's designee.

(B) An ex officio member holds office so long as the member retains the office by virtue of which such member is serving on the commission.

(c)(1) The members of the state soil conservation committee on the effective date of this act shall continue to serve as members of the commission until the expiration of their terms.

(2) After the expiration of the terms of office pursuant to subdivision (c)(1), all members appointed to the commission serve for a term of three (3) years.

(d) Whenever a vacancy on the commission exists, the governor shall appoint a member for the remainder of the unexpired term. In making appointments to the commission, the governor shall strive to ensure that at least one (1) person appointed to serve on the commission is sixty (60) years of age or older and that at least one (1) person appointed to serve on the commission is a member of a racial minority. A member appointed as a supervisor member of the commission who ceases to hold the position of supervisor shall continue to serve on the commission until the expiration of such member's term.

(e) The commission shall keep a record of its official actions and may perform acts, hold public hearings, and promulgate rules that are necessary for the execution of its functions under this part.

43-14-204.

(a) The commission may employ an administrative officer and technical experts and other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation.

(b) The commission may call upon the attorney general and reporter for legal services as it may require.

(c) The commission may delegate its powers and duties to its chair, to one (1) or more of its members, or to one (1) or more of its agents or employees.

43-14-205.

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(a) The commission shall designate one (1) of the non-ex officio members as its chair, and may, from time to time, change such designation.

(b) A majority of the commission shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination.

(c) The chair and members of the commission shall not receive compensation for their services on the commission, but are entitled to expenses, including travel expenses, necessarily incurred in the discharge of their duties on the commission. All reimbursements for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d) The commission shall provide for:

(1) The execution of surety bonds for all commission employees and officers entrusted with public funds or property;

(2) The keeping of a full and accurate record of all proceedings and of all resolutions, rules, and orders issued or adopted by the commission; and

(3) An annual audit of the accounts of receipts and disbursements.

(e) All meetings of the commission are subject to title 8, chapter 44, part 1.

(f)(1) The commission shall conduct at least two (2) meetings each year. However, the commission shall strive to conduct four (4) meetings each year.

(2)(A) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the commission.

(B) The chair shall promptly notify, or cause to be notified, the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (f)(2)(A).

43-14-206. In addition to other duties and powers conferred upon the commission in this part, the commission may:

(1) Assist supervisors in carrying out of their powers and programs, including working to provide training for supervisors and district employees, with an emphasis on proper financial management processes and procedures;

(2) Inform supervisors of the activities and experience of other districts, and facilitate an interchange of advice and experience among the districts and cooperation between them, with a focus on communicating district successes in measurably lessening soil erosion rates, leading districts to engage with landowners who may be experiencing excessive soil erosion and water quality impacts, and

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better defining the interrelationship between soil erosion reductions and benefits to water and other natural resources;

(3) Adopt resolutions and policies to facilitate the work of the districts and promulgate rules as necessary and appropriate;

(4) Coordinate the programs of the districts by advice and consultation and encourage districts to partner on projects that cross district boundaries if necessary and appropriate to lessen soil erosion;

(5) Secure the cooperation and assistance of the United States and any of its agencies, and of the agencies of this state, in the work of watershed districts established under title 69, chapter 6 and soil and water conservation districts;

(6) Disseminate information throughout this state concerning the activities and programs of the soil and water conservation districts and watershed districts, and encourage and facilitate the formation of such districts in areas where their organization is desirable;

(7) Constitute the state agency having the sole responsibility to administer and approve watershed districts and programs under federal law;

(8) Collect and disseminate data and information concerning the causes, extent, and location of soil erosion problems in this state and encourage the funding of comprehensive research projects to study alternative solutions to these problems;

(9) Collaborate with the state and national associations of conservation districts to leverage their advice, financial assistance, and consultation to assist the supervisors and employees of the districts with providing services to landowners and land occupiers to reduce soil erosion and improve water quality;

(10) Develop and maintain a comprehensive statewide plan for the conservation of Tennessee's soils, including a plan to measurably reduce sedimentation impacts to Tennessee waters, and revise the plan as needed, and at least every five (5) years, in consultation with appropriate sources of information; and

(11) Prepare and submit annually to the commissioner a report of the progress regarding, and a budget request adequate to fund, the implementation of soil and water conservation programs in this state.

43-14-207.

(a) Any twenty-five (25) landowners within the limits of the territory proposed to be organized into a district may file a petition with the commission requesting that a soil and water conservation district be organized for the territory described in the petition. The description is sufficient if generally accurate and the commission shall not require the description to be given by metes and bounds or by legal subdivision.

(b) Where more than one (1) petition is filed covering parts of the same territory, the commission may consolidate the petitions.

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(c) Within sixty (60) days after a petition is filed with the commission, the commission shall give notice of a proposed hearing regarding the desirability and necessity, in the interest of public health, safety, and welfare, of the creation of the proposed district, the appropriate boundaries for the district, the propriety of the petition and other proceedings under this part, and any related questions. All landowners and land occupiers within the limits of the territory described in the petition and any territory considered for addition to the described territory and any other interested parties shall have the right to attend the proposed hearings and to be heard. If, at the hearing, it appears that it may be desirable to include, within the proposed district, territory outside of the area regarding which notice of the hearing has been given, the hearing shall be adjourned, and the commission shall hold a further hearing following the commission's provision of notice of such further hearing throughout the area considered for inclusion in the district.

(d)(1) If, after the hearing, the commission determines that, based upon the facts presented at the hearing and any other relevant facts and information, there is a need, in the interest of public health, safety, and welfare, for a soil and water conservation district in the territory considered at the hearing, the commission shall make and record this determination, and shall define, by metes and bounds or by legal subdivision, the boundaries of such district. In making this determination and defining the district's boundaries, the commission shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits the lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions and to other soil and water conservation districts already organized or proposed for organization under this part, and any other relevant physical, geographical, and economic factors. The territory to be included within the district need not be contiguous.

(2) If, after the hearing and due consideration of the relevant facts, the commission determines that there is no need for a district in the territory considered at the hearing, it shall make and record this determination and shall deny the petition. After six (6) months have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed, considered, and determined in accordance with this section.

(e) After the commission has made and recorded a determination that there is a need, in the interest of public health, safety, and welfare, for the organization of a district in a particular territory and has defined the boundaries of the district, the commission shall consider whether the operation of a district within those boundaries, with the powers

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conferred upon districts by this part, is administratively practicable and feasible.

(f) To assist the commission in the determination of administrative practicability and feasibility under subsection (e), the commission shall, within a reasonable time after finding that there is a need for the proposed district and determining its boundaries, hold a referendum within the proposed district regarding the creation of the district and cause notice of the referendum to be given. Only landowners within the boundaries of the territory, as determined by the commission, are eligible to vote in the referendum.

(g) A duly organized local soil conservation district in existence on the effective date of this act continues to exist as a soil and water conservation district, and supervisors of a district serving on the effective date of this act continue to serve as the supervisors of the district until the expiration of their terms.

43-14-208. The commission shall pay all expenses for the issuance of notices and the conduct of hearings and referenda under this part, and shall supervise the conduct of the hearings and referenda. The commission shall promulgate rules governing the conduct of the hearings and referenda and providing for the registration, prior to the date of the referendum, of all eligible voters, or prescribing an alternate procedure for the determination of those eligible as voters in the referendum. No informalities in the conduct of the referendum, or in any matter relating to the referendum, invalidate the referendum or its result, if notice of the referendum was given substantially as provided in this part and the referendum has been fairly conducted.

43-14-209. The commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the commission determines that the operation of the district is not administratively practicable and feasible, it shall record this determination and deny the petition. If the commission determines that the operation of the district is administratively practicable and feasible, it shall record this determination and shall proceed with the organization of the district in the manner provided in this part. In making this determination, the commission shall give due regard and weight to the attitudes of the landowners and land occupiers of lands lying within the defined boundaries, the number of landowners eligible to vote in the referendum who have voted, the proportion of the votes cast in the referendum in favor of the creation of the district to the total number of votes cast, the probable expense of carrying on erosion-control operations within the district, and other economic and social factors relevant to the determination; provided, that the commission shall not determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, unless at least a majority of the votes cast in the referendum upon the

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proposition of creation of the district were cast in favor of the creation of the district.

43-14-210.

(a) If the commission determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall name the district and appoint two (2) supervisors to act, with the three (3) supervisors elected pursuant to § 43-14-214, as the governing body of the district.

(b) The two (2) appointed supervisors shall present to the secretary of state an application signed by them, and subscribed and sworn to by each of the supervisors before an officer authorized by the laws of this state to take and certify oaths, which provides:

(1) That a petition for the creation of the district was filed with the commission pursuant to this part, and that the proceedings required by this part were taken pursuant to the petition, that the application is filed in order to complete the organization of the district, and that the commission has appointed the applicants as supervisors;

(2) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office;

(3) The term of office of each of the supervisors;

(4) The name proposed for the district; and

(5) The location of the district supervisors' principal office.

(c)(1) The application required by subsection (b) must be accompanied by a statement from the commission, which certifies that:

(A) A petition was filed, notice was issued, and a hearing was held as required by this part;

(B) The commission determined that there is a need, in the interest of public health, safety, and welfare, for a soil and water conservation district to function in the proposed territory and defined the boundaries thereof;

(C) Notice was given, and a referendum held on the question of the creation of the district;

(D) A majority of the votes cast in the referendum favored the creation of the district; and

(E) After the referendum, the commission determined that the operation of the proposed district is administratively practicable and feasible.

(2) The statement must set forth the boundaries of the district as they have been defined by the commission.

(d) When the application and statement have been filed and recorded in the office of the secretary of state, the district constitutes a subdivision of this state and a public body corporate and politic. The secretary of state shall make and issue to the supervisors, under the

seal of the state, a certificate of the organization of the district, and shall record the certificate with the application and statement. The boundaries of the district must include the territory as defined by the commission under subsection (c), but the district must not include any area included within the boundaries of another soil and water conservation district organized under this part.

(e) In lieu of all other fees, five dollars (\$5.00), must be paid to the secretary of state at the time the certificate is issued.

43-14-211. After six (6) months have expired from the date of the denial of a petition pursuant to a determination by the commission that operation of a proposed district is not administratively practicable and feasible, subsequent petitions may be filed and action taken in accordance with this part.

43-14-212. Petitions for including additional territory within an existing district may be filed with the commission. The proceedings provided for in this part in the case of petitions to organize a district must be observed in the case of petitions for inclusion. The commission shall prescribe the form for such petitions, which must be substantially the same as the form for petitions to organize a district. If the number of landowners in the area proposed for inclusion is less than twenty-five (25), a referendum is not required if the petition is signed by a majority of the landowners of the area. In referenda upon petitions for inclusion, all landowners within the proposed additional area are eligible to vote.

43-14-213. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district is established in accordance with this part upon proof of the issuance of the certificate by the secretary of state pursuant to § 43-14-210. A copy of the certificate certified by the secretary of state is admissible in evidence in any suit, action, or proceeding and is proof of the filing and its contents.

43-14-214.

(a) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a district, nominating petitions may be filed with the commission to nominate candidates for supervisors of the district. The commission is authorized to extend the time within which nominating petitions may be filed. The commission shall not accept a nominating petition unless it is signed by twenty-five (25) or more landowners within the boundaries of the district. Landowners may sign more than one (1) nominating petition. All candidates for supervisor shall maintain their primary residence in the district of their candidacy. The commission shall give notice of an election to be held for three (3) supervisors for the district. Only landowners within the district are eligible to vote in the election. The three (3) candidates who receive the largest number, respectively, of the votes cast in the election shall be the elected supervisors for the district. The commission shall pay the expenses of the election,

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supervise the conduct of the election, promulgate rules governing the conduct of the election and the determination of voter eligibility in the election, and publish the results of the election.

(b) For elections subsequent to the first election of supervisors, the following procedures apply:

(1) Candidates for election to the position of supervisor shall maintain their primary residence in the district of their candidacy and shall present a completed nominating petition to the district in accordance with subdivision (b)(3);

(2) Upon notification by the commission, the county extension agricultural and natural resources agent of the University of Tennessee shall convene and chair a meeting of the local nominating committee to nominate candidates for election as supervisors. The local nominating committee shall determine the number of candidates nominated. A local nominating committee must include, but is not limited to, local representatives from agricultural organizations, such as the county farm service agency committee, the county extension committee, the county farm bureau, and members of the district whose terms are not expiring. The district staff shall take minutes at the local nominating committee's meeting to record its decisions;

(3) For districts holding an election of supervisors, nominating petitions must be completed for each candidate on the ballot, regardless of whether the candidate was nominated by the local nominating committee. The commission shall not accept a nominating petition unless it is signed by twenty-five (25) or more landowners within the boundaries of the district. Landowners may sign more than one (1) nominating petition;

(4) The district shall give notice of an election to be held for three (3) supervisors, which must include the names of the candidates in alphabetical order, the dates and times of the election, voting locations, and the deadline for submitting nominating petitions;

(5) Only landowners within the district are eligible to vote in the election. Voting by proxy or by absentee ballot is not permitted; and

(6) The ballots must be counted and certified by selected district polling officials, and the results must be transmitted to the commission. The three (3) candidates who receive the largest number of the votes cast in the election shall be the elected supervisors for the district.

(c) The first two (2) supervisors appointed following formation of a new district shall be appointed by the commission under § 43-14-210(a).

(d) For appointments subsequent to the first appointment of supervisors, the following procedures apply:

(1) The supervisors appointed by the commission must be persons who are, by training and experience, qualified to perform their

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duties under this part. Candidates for appointment as supervisor must maintain their primary residence in the district of appointment;

(2) Upon notification by the commission, the county extension agricultural and natural resources agent of the University of Tennessee shall convene and chair a meeting of the local nominating committee for the purpose of nominating candidates for appointment as supervisors. The local nominating committee must include, but is not limited to, local representatives from agricultural organizations, such as the county farm service agency committee, the county extension committee, the county farm bureau, and members of the district whose terms are not expiring. The district staff shall take minutes at the local nominating committee's meeting to record its decisions;

(3) The district staff shall transfer the nominations of the local nominating committee, along with a summary of each nominee's training and experience, to the commission as soon as practicable following the local nominating committee's meeting; and

(4) The commission shall consider all local nominating committee nominees and shall appoint supervisors by vote of the commission.

(e) All supervisors shall serve a term of three (3) years beginning on April 1, except that one (1) of the first two (2) supervisors appointed following formation of a new district under § 43-14-210(a) shall serve a term of four (4) years, so that the terms of the two (2) appointed supervisors do not expire simultaneously.

(f) If there is a vacancy in the office of supervisor, the remaining supervisors, with the advice and consent of the commission, shall fill the vacancy by appointment for the remainder of the unexpired term. If the majority of a district's offices of supervisor are vacant, the commission shall fill the vacancies by appointment. All persons appointed to fill a supervisor vacancy must maintain their primary residence in the district of appointment and are eligible for subsequent election or, if qualified by training and experience, appointment as supervisor.

43-14-215.

(a) The governing body of the district consists of five (5) supervisors, elected or appointed as provided in § 43-14-214.

(b) The supervisors shall designate a chair and may, from time to time, change such designation. The term of office of each supervisor is three (3) years, except as provided in § 43-14-214(e). A supervisor shall hold office until a successor has been elected or appointed. A majority of the supervisors constitutes a quorum and the concurrence of a majority of supervisors present is required for the determination of a matter within the district's duties. Supervisors shall each receive the sum of thirty dollars (\$30.00) per day for expenses incurred for attending district meetings where a quorum is present; provided, that the total of such payments to any supervisor shall not exceed three

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hundred sixty dollars (\$360) per year. This sum is in lieu of any other payment for expenses.

(c) Supervisors may, on a permanent or temporary basis, employ technical experts and such other officers, agents, and employees as they may require and shall determine their qualifications, duties, and compensation. Such persons shall comply with title 8, chapter 31. Supervisors may call upon the attorney general and reporter for legal services as they may require. Supervisors may delegate to their chair, to one (1) or more supervisors, or to one (1) or more agents or employees, such powers and duties as they deem proper. Supervisors shall furnish to the commission, upon request, copies of any ordinances, rules, regulations, orders, contracts, forms, or other documents they adopt or employ, and any other information concerning their activities.

(d) Supervisors shall provide for the execution of surety bonds for all employees and officers entrusted with funds or property and the keeping of a full and accurate record of all proceedings and resolutions, rules, and orders issued or adopted. Supervisors shall provide an annual report to the commission, including a complete report of the district's revenues and disbursements.

(e) The commission may remove a supervisor for neglect of duty or malfeasance in office, upon notice and a hearing.

(f) Supervisors may invite the legislative body of any municipality or county located near the district to designate a representative to advise and consult with the supervisors, including with respect to matters concerning property, water supply, wastewater, or stormwater infrastructure or operation.

(g) Supervisors may designate persons as emeritus or associate members of the district and may form youth boards to assist in carrying out the district's purposes.

(h) It is neglect of duty for a supervisor to miss four (4) consecutive, regularly scheduled district governing body meetings without cause.

43-14-216. A district and its supervisors may, in addition to other powers granted in this part:

(1) Conduct surveys, investigations, and research relating to the character of soil erosion and necessary erosion prevention and control measures, the relationships between reductions in soil erosion rates and water quality improvement, the synergistic effects of reductions in soil loss on wildlife and other natural resource benefits, the economic impact of conservation measures and improvements in soil quality on agricultural operations, publish the results of such surveys, investigations, or research, and disseminate information concerning erosion prevention and control measures; provided, that in order to avoid duplication of research activities, no district shall initiate a research program except in cooperation with the commission, the department of agriculture, and the United States;

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(2) Conduct demonstration projects within the district, upon obtaining the consent of the landowner and land occupier or the necessary rights or interests in lands, in order to demonstrate, by example, the means, methods, and measures by which soil and soil resources may be conserved and improved, soil erosion in the form of soil washing may be prevented and controlled, and the relationships between soil erosion reduction and water quality or other benefits;

(3) Carry out prevention and control measures within the district, including engineering operations, methods of cultivation, growing vegetation, and changes in use or management of land within the district, upon obtaining the consent of the landowner and land occupier or the necessary rights or interests in lands;

(4) Cooperate, or enter into agreements, with any landowner and land occupier within the district to carry out erosion control and prevention operations, to help improve traditional areas of farm production, and to encourage diversification and innovation of farming operations within the district, subject to such conditions as the supervisors deem necessary to advance the purposes of this part;

(5) Enter into agreements with the department of agriculture, other state agencies, local governments, and nonprofit organizations, including the national and state associations of conservation districts, to administer or assist in the administration of programs for the benefit of landowners and land occupiers within the district in carrying out erosion control and prevention operations, installing conservation practices to reduce erosion and improve related natural resources, improving traditional areas of farm production, diversifying farming operations, and encouraging farming innovation and nontraditional agricultural activities within the district;

(6)(A) Obtain options upon, and acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein;

(B) Maintain, administer, and improve any properties acquired, to receive income from the properties, and to expend the income in carrying out this part;

(C) Sell, lease, or otherwise dispose of any property or property interests owned in furtherance of this part; and

(D) Subject to the approval of the commissioner, or the commissioner's designee, and the comptroller of the treasury, or the comptroller's designee, borrow money for the purposes authorized by subdivisions (6)(A) and (6)(B), by issuing notes pursuant to title 9, chapter 21, part 6. The notes must be secured by:

(i) Lawfully available district revenues and a guarantee of the full faith, credit, and taxing power of each local government within which the district is located; or

(ii) Lawfully available district revenues and a statutory lien on the property financed by the notes;

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(7) Make available, on terms that the district prescribes, to landowners and land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, of which all forest tree seedlings must be obtained, if practicable, from the nurseries of the forestry division operated by the department of agriculture or the forest service of the United States department of agriculture, and other material or equipment that will assist landowners and land occupiers in conserving soil resources and preventing and controlling soil erosion;

(8) Construct, improve, and maintain structures that are necessary or convenient for the performance of operations authorized in this part;

(9) Develop comprehensive plans for the conservation of soil resources and the control and prevention of soil erosion within the district, which must specify, in reasonable detail, the acts, procedures, performances, and avoidances to effectuate the plans, including any specification of engineering operations, methods of cultivation, growing of vegetation, cropping programs, tillage practices, and changes in use of land, and publish the plans and information in a manner that will bring the plans to the attention of landowners and land occupiers within the district;

(10) Take over and administer, as agent of the United States, any soil conservation, erosion control, or erosion prevention project, undertaken by the United States within its boundaries;

(11) Accept, use, and expend donations, gifts, and contributions in any form from the United States or from this state or any of its agencies;

(12) Enter into agreements with the United States department of agriculture or its agencies to optimize the delivery of federal programs to landowners and land occupiers in the district, reduce erosion, and improve the condition of related natural resources in the district, and clarify the roles and responsibilities of each entity;

(13) Sue and be sued in the name of the district;

(14) Have a seal, which must be judicially noticed;

(15) Have perpetual succession, unless terminated as provided in § 43-14-218;

(16) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(17) Make, amend, and repeal rules consistent with this part to carry into effect its purposes and powers;

(18) As a condition of extending any benefit to, or performing work upon, land under this part, require contributions in any form or entry into agreements or covenants as to the use of such land to prevent or control erosion; and

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(19) Carry out, maintain, and operate works of improvement for flood prevention and agricultural phases of conservation development, utilization, and management of water.

43-14-217. The supervisors of two (2) or more districts may cooperate with one another in the exercise of the powers conferred in this part.

43-14-218.

(a) Beginning five (5) years after a district's certificate of organization is issued, a district, upon unanimously adopting a motion to dissolve the district, may file a petition with the commission requesting that the district and its operations be terminated. The commission may conduct public meetings and hearings regarding the petition. Within sixty (60) days after the commission receives a petition to terminate a district, the commission shall give notice of, issue appropriate rules regarding, and supervise a referendum regarding the petition. Only landowners of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or in any matter relating thereto invalidates the referendum or the result thereof, if notice thereof has been given substantially as provided in this subsection (a) and the referendum has been fairly conducted.

(b) The commission shall publish the results of the referendum and determine whether the continued operation of the district is administratively practicable and feasible. If the commission determines that the continued operation of the district is administratively practicable and feasible, it shall record this determination and deny the petition, after which no such petition regarding that district may be filed or considered for five (5) years. If the commission determines that the continued operation of the district is not administratively practicable and feasible, it shall record this determination and shall certify the determination to the supervisors of the district. In making this determination, the commission shall give due regard and weight to the attitudes of the landowners and land occupiers of lands lying within the defined boundaries, the number of landowners eligible to vote in the referendum who have voted, the proportion of the votes cast in the referendum in favor of the termination of the district to the total number of votes cast, and any other economic and social factors relevant to such determination; provided, that the commission shall not determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible if a majority of the votes cast in the referendum upon the proposition of termination of the district were cast in favor of the termination of the district.

(c) Upon receipt from the commission of a certification that the commission has determined that the continued operation of the district is not administratively practicable and feasible, the supervisors shall immediately terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction

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and shall pay the proceeds to the department of agriculture for use in supporting the costs of soil and water conservation in the district territory. The supervisors shall then file a verified application with the secretary of state for the discontinuance of the district, and transmit with the application the certificate of the commission determining that the continued operation of the district is not administratively practicable and feasible. The application must recite that the district's property has been disposed of and the proceeds paid to the department of agriculture and set forth a full accounting of such property and proceeds. The secretary of state shall issue to the supervisors a certificate of dissolution and record the certificate in an appropriate book of record in the secretary of state's office.

(d) Upon issuance of a certificate of dissolution by the secretary of state, all ordinances and rules previously adopted and in force within the districts are of no further force and effect. All contracts to which the district or its supervisors are parties must be terminated in writing as provided in the contract.

43-14-219. For purposes of the provisions of §§ 43-14-207, 43-14-210, 43-14-214, and 43-14-218 requiring notice, the notice must be published twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or, if no such publication of general circulation is available, by posting at a reasonable number of conspicuous places within the appropriate area to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice at the time and place designated in the notice, adjournment may be made from time to time without the necessity of renewing the notice for the adjourned dates.

[T. 43, ch. 14, part 3; 43-14-301; 43-14-302; 43-14-303; 43-14-304; 43-14-305; 43-14-306; 43-14-307; 43-14-308]

SECTION 3. Tennessee Code Annotated, Title 43, Chapter 14, Part 3, is amended by deleting the part.

[4-29-243]

SECTION 4. Tennessee Code Annotated, Section 4-29-243(a)(32), is amended by deleting the language "State soil conservation committee" and substituting "Tennessee soil and water conservation commission".

[5-9-106]

SECTION 5. Tennessee Code Annotated, Section 5-9-106(a), is amended by deleting the word "soil" wherever it appears in the subsection and substituting "soil and water".

[6-58-104]

SECTION 6. Tennessee Code Annotated, Section 6-58-104(a)(1)(E), is amended by deleting the word “soil” and substituting “soil and water”.

[43-34-103]

SECTION 7. Tennessee Code Annotated, Section 43-34-103, is amended by deleting the language “soil conservation district” from subdivisions (1), (3), and (6) and substituting “soil and water conservation district”.

[43-34-103]

SECTION 8. Tennessee Code Annotated, Section 43-34-103(7), is amended by deleting the language “Soil conservation district” and substituting “Soil and water conservation district”.

[43-34-103]

SECTION 9. Tennessee Code Annotated, Section 43-34-103(8), is amended by deleting the language “State soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[43-34-104]

SECTION 10. Tennessee Code Annotated, Section 43-34-104, is amended by deleting the language “soil conservation district” wherever it appears in the section and substituting “soil and water conservation district”.

[43-34-105]

SECTION 11. Tennessee Code Annotated, Section 43-34-105, is amended by deleting the language “soil conservation district” wherever it appears in the section and substituting “soil and water conservation district”.

[43-34-105]

SECTION 12. Tennessee Code Annotated, Section 43-34-105(d), is amended by deleting the language “state soil conservation committee” wherever it appears in the subdivision and substituting “Tennessee soil and water conservation commission”.

[43-34-106]

SECTION 13. Tennessee Code Annotated, Section 43-34-106, is amended by deleting the language “soil conservation district” wherever it appears in the section and substituting “soil and water conservation district”.

[43-34-106]

SECTION 14. Tennessee Code Annotated, Section 43-34-106(2), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

PUBLIC CHAPTER NO. 203 (cont'd)**[43-34-107]**

SECTION 15. Tennessee Code Annotated, Section 43-34-107, is amended by deleting the language “soil conservation district” wherever it appears in the section and substituting “soil and water conservation district”.

[64-1-203]

SECTION 16. Tennessee Code Annotated, Section 64-1-203(a)(2)(A)(v), is amended by deleting the language “soil conservation district” and substituting “soil and water conservation district”.

[64-1-210]

SECTION 17. Tennessee Code Annotated, Section 64-1-210, is amended by deleting the language “soil conservation districts” and substituting “soil and water conservation districts”.

[64-1-1102]

SECTION 18. Tennessee Code Annotated, Section 64-1-1102(a)(1)(C), is amended by deleting the language “One (1) member who is a supervisor of a soil conservation district in the participating counties, as established under the Soil Conservation Districts Law” and substituting “One (1) member who is a supervisor of a soil and water conservation district in the participating counties, as established under the Soil and Water Conservation Districts Law”.

[64-1-1107]

SECTION 19. Tennessee Code Annotated, Section 64-1-1107, is amended by deleting the language “soil conservation districts as established under the Soil Conservation Districts Law” and substituting “soil and water conservation districts as established under the Soil and Water Conservation Districts Law”.

[64-3-108]

SECTION 20. Tennessee Code Annotated, Section 64-3-108, is amended by deleting the language “United States soil conservation agency” and substituting “United States natural resources conservation service”.

[69-6-103]

SECTION 21. Tennessee Code Annotated, Section 69-6-103, is amended by deleting the language “state soil conservation committee” wherever it appears in the section and substituting “Tennessee soil and water conservation commission”.

[69-6-104]

SECTION 22. Tennessee Code Annotated, Section 69-6-104(a)(1)(C), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

PUBLIC CHAPTER NO. 203 (cont'd)**[69-6-106]**

SECTION 23. Tennessee Code Annotated, Section 69-6-106, is amended by deleting the language “state soil conservation committee” wherever it appears in the section and substituting “Tennessee soil and water conservation commission”.

[69-6-107]

SECTION 24. Tennessee Code Annotated, Section 69-6-107(a), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-111]

SECTION 25. Tennessee Code Annotated, Section 69-6-111(a), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-111]

SECTION 26. Tennessee Code Annotated, Section 69-6-111(b), is amended by deleting the language “chair of the committee” and substituting “chair of the commission”.

[69-6-112]

SECTION 27. Tennessee Code Annotated, Section 69-6-112, is amended by deleting the language “state soil conservation committee” wherever it appears and substituting “Tennessee soil and water conservation commission”.

[69-6-115]

SECTION 28. Tennessee Code Annotated, Section 69-6-115(a), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-117]

SECTION 29. Tennessee Code Annotated, Section 69-6-117(b), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-120]

SECTION 30. Tennessee Code Annotated, Section 69-6-120(a), is amended by deleting the language “state soil conservation committee” wherever it appears in the subsection and substituting “Tennessee soil and water conservation commission”.

PUBLIC CHAPTER NO. 203 (cont'd)**[69-6-121]**

SECTION 31. Tennessee Code Annotated, Section 69-6-121(a), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-122]

SECTION 32. Tennessee Code Annotated, Section 69-6-122(c), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-142]

SECTION 33. Tennessee Code Annotated, Section 69-6-142(d), is amended by deleting the language “state soil conservation committee” and substituting “Tennessee soil and water conservation commission”.

[69-6-148]

SECTION 34. Tennessee Code Annotated, Section 69-6-148, is amended by deleting the language “state soil conservation committee” wherever it appears in the section and substituting “Tennessee soil and water conservation commission”.

[Effective date 4/22/2021]

SECTION 35. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 204**SENATE BILL NO. 731****By Johnson, White**

Substituted for: House Bill No. 66

By Lamberth, Gant, Doggett, Carr, Todd

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 7, relative to sex offender evaluation and treatment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-704]

SECTION 1. Tennessee Code Annotated, Section 39-13-704(d), is amended by adding the following as a new subdivision (5):

(5) The board shall compile and make available on the board's website a list of approved sex offender evaluation providers and a list of approved sex offender treatment providers that the board deems fit, based upon the provider's specific training, experience, and professional licensure, to fulfill the objectives set forth in this section.

[39-13-705]

SECTION 2. Tennessee Code Annotated, Section 39-13-705, is amended by adding the following as a new subsection (d):

(d) Any evaluation required by this section must be performed by an individual or entity on the sex offender treatment board's list of approved providers compiled pursuant to § 39-13-704(d)(5).

[39-13-706]

SECTION 3. Tennessee Code Annotated, Section 39-13-706, is amended by adding the following as a new subsection (c):

(c) Any treatment required by this section must be provided by an individual or entity on the sex offender treatment board's list of approved providers compiled pursuant to § 39-13-704(d)(5).

[39-13-707]

SECTION 4. Tennessee Code Annotated, Section 39-13-707, is amended by deleting the language "§ 39-13-704(d)(2)" and substituting instead the language "§ 39-13-704(d)(2) and are provided by an individual or entity on the sex offender treatment board's list of approved providers compiled pursuant to § 39-13-704(d)(5)".

PUBLIC CHAPTER NO. 204 (cont'd)**[39-13-707]**

SECTION 5. Tennessee Code Annotated, Section 39-13-707, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) An individual or entity shall not provide sex offender evaluation or treatment services pursuant to this part unless the individual or entity is on the sex offender treatment board's list of approved providers compiled pursuant to § 39-13-704(d)(5). Unapproved providers who conduct sex offender evaluation or treatment services must be referred to the relevant licensing board for disciplinary action.

[Effective date 4/22/2021]

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 205**SENATE BILL NO. 769****By Johnson, Hensley, Bowling, Rose**

Substituted for: House Bill No. 782

By Lamberth, Gant, Moody, Cepicky, Griffey, Crawford, Moon, Smith,
Sherrell, Terry, Zachary, Cochran, Powers, Rudder, Todd, Helton, Littleton,
Garrett, Hurt

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 22,
relative to common core state standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-2202]

SECTION 1. Tennessee Code Annotated, Section 49-6-2202(b)(3), is amended by deleting the subdivision and substituting:

(3) Except as provided in § 49-6-2206(b), this part does not prohibit the use of, or apply to, supplemental instructional materials.

[49-6-2202]

SECTION 2. Tennessee Code Annotated, Section 49-6-2202(b), is amended by adding the following as a new subdivision:

(5) The commission shall not publish a list of, or recommend that the state board of education approve for use in the public schools of this state, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials. The state board shall not approve for use in the public schools of this state textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

[49-6-2206]

SECTION 3. Tennessee Code Annotated, Section 49-6-2206, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)(1) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

PUBLIC CHAPTER NO. 205 (cont'd)

(2) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

[Effective date 4/22/2021]

SECTION 4. Sections 1 and 2 of this act take effect upon becoming a law, the public welfare requiring it. Section 3 of this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 206**SENATE BILL NO. 844****By Yarbrow, Akbari, Bowling**

Substituted for: House Bill No. 842

By Thompson, Parkinson, Griffey, Clemmons, Moody, Lamar, Camper,
Chism, Love

AN ACT to amend Tennessee Code Annotated, Title 4; Title 49; Title 62 and
Title 67, relative to workforce development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-419]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following as a new section:

(a) Each public high school, including public charter high schools, shall designate a teacher, principal, or other school employee to serve as an apprenticeship training program contact for the school. A public high school shall notify the department of education of the apprenticeship training program contact and update the department of any changes.

(b) The department of education shall compile and publish to its website a directory of the name and contact information for the apprenticeship training program contact for each public high school. The contact information includes the contact's mailing address, email address, telephone number, and high school that the contact represents.

(c) The department shall update the information required pursuant to subsection (b) no later than September 1 of each year.

(d) As used in this section "apprenticeship training program contact" means a designee of a public high school that is the preferred point of contact for students, parents, or apprenticeship programs to interface with the high schools on matters related to apprenticeship training opportunities and workforce training.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 207**SENATE BILL NO. 974****By Watson**

Substituted for: House Bill No. 640

By Alexander

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 28 and Title 53, relative to feminine hygiene product donation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[53-1-117]

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The good faith donor of an apparently usable feminine hygiene product to a bona fide charitable or nonprofit organization for free distribution to persons in need of the product is not subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the nature, age, packaging, or condition of an apparently usable feminine hygiene product.

(b) A bona fide charitable or nonprofit organization that in good faith receives an apparently usable feminine hygiene product and distributes the product to persons in need is not subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the nature, age, packaging, or condition of an apparently usable feminine hygiene product.

(c) Subsections (a) and (b) do not apply when a good faith donor or bona fide charitable or nonprofit organization's actions constitute gross negligence or intentional misconduct that results in injury or death to a person who uses the apparently usable feminine hygiene product.

(d) As used in this section:

(1) "Apparently usable" means that a product meets all quality and labeling standards imposed by federal and state laws and regulations even if the product may not be readily marketable;

(2) "Bona fide charitable or nonprofit organization" has the same meaning as defined in § 57-4-102; and

(3) "Feminine hygiene product":

(A) Means a product used for a female's menstruation or other genital-tract secretions; and

(B) Includes tampons and sanitary napkins.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 208**SENATE BILL NO. 1049****By Southerland**

Substituted for: House Bill No. 227

By Vaughan, Reedy

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1, relative to water quality.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[69-3-108]

SECTION 1. Tennessee Code Annotated, Section 69-3-108(9)(4), is amended by adding the following as a new subdivision (E):

(E) In the case of permits authorizing permanent impacts to waters of the state, provision for adequate compensatory mitigation to not result in a condition of pollution, by mitigation banking, permittee-responsible mitigation, or in-lieu fee payments as approved by the department:

(i) No sponsor of an in-lieu fee instrument may accept in-lieu fee payments for a project in this state unless the sponsor's in-lieu fee instrument requires the sponsor, as to both new and previously sold in-lieu fee credits, to agree that the department may bring an enforcement action pursuant to subdivision (g)(4)(E)(ii) if the sponsor fails to complete land acquisition and initial physical and biological improvements by the third full growing season after the first advance credit in that service area is secured by a permittee, unless the district engineer for the United States army corps of engineers determines that more or less time is needed to plan and implement an in-lieu fee project;

(ii) If an in-lieu fee sponsor fails to complete land acquisition and initial physical and biological improvements by the third full growing season after the first advance credit in that service area is secured by a permittee, unless the district engineer for the United States army corps of engineers determines that more or less time is needed to plan and implement an in-lieu fee project, and the sponsor's instrument complies with subdivision (g)(4)(E)(i), then the department may bring an enforcement action in the chancery court of Davidson County to require the in-lieu fee sponsor to solicit proposals to procure appropriate mitigation credits from qualified third parties to provide for equivalent compensatory mitigation;

(iii) For purposes of this subdivision (g)(4)(E), "equivalent compensatory mitigation" means mitigation equivalent, to the extent practicable as determined by the department, to the amount

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and nature of mitigation purchased by the original in-lieu fee payment; and

(iv) Proposals received by the in-lieu fee sponsor pursuant to an action brought by the department pursuant to subdivision (g)(4)(E)(ii) must be submitted for approval by the in-lieu fee sponsor to the department. To the extent permitted by federal law, upon approval by the department and the purchase of such mitigation credits by the in-lieu fee sponsor, the in-lieu fee sponsor is considered to have performed the original required mitigation.

[69-3-116]

SECTION 2. Tennessee Code Annotated, Section 69-3-116(a), is amended by deleting the subsection and substituting the following:

(a) The commissioner may assess the liability of any polluter or violator for damages to the state resulting from any person's pollution or violation, failure, or neglect in complying with any rules, regulations, or standards of water quality promulgated by the board or permits, including failure by an in-lieu fee sponsor to timely complete land acquisition and initial physical and biological improvements, or orders issued pursuant to this part.

[Effective date 4/22/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 209

SENATE BILL NO. 1079

By Roberts

Substituted for: House Bill No. 492

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 6, Part 9, relative to the Tennessee radiologic imaging and radiation therapy board of examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-241]

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by deleting subdivision (64).

[4-29-246; 63-6-901]

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee radiologic imaging and radiation therapy board of examiners, created by § 63-6-901;

[Effective date 4/22/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 210**SENATE BILL NO. 1122****By White, Gilmore**

Substituted for: House Bill No. 1180

By Moody, Griffey, Lamar, Hardaway, Hawk, Doggett, White, Crawford,
Smith, Thompson, Whitson, Littleton, Hazlewood, Terry, Todd

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5,
relative to predatory offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-523]

SECTION 1. Tennessee Code Annotated, Section 39-13-523(a)(5), is
amended by adding the following language as a new subdivision:

(G) Trafficking for commercial sex act under § 39-13-309;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 211**SENATE BILL NO. 1133****By White, Bowling, Gardenhire, Rose**

Substituted for: House Bill No. 528

By Moody, Cepicky, Weaver, Smith, Littleton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Section 49-5-106, relative to temporary teaching permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-106]

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by deleting the section and substituting:

(a) After a director of schools or a director of a public charter school notifies the director's local board of education or the governing body of the director's public charter school, as applicable, that the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of the public charter school may certify same to the commissioner of education. Upon the commissioner's receipt of the certification, the commissioner may grant, on behalf of the state board of education, under conditions prescribed in the state board's rules, a temporary permit to teach in the unfilled position to a person recommended by the director of schools or the director of the public charter school, as applicable, and who is approved by the commissioner. The temporary permit is valid only until June 30 following the date of the permit's issuance.

(b) Notwithstanding subsection (a), the commissioner shall not grant a person, on behalf of the state board, a temporary permit to teach:

(1) A physical education class required under § 49-6-1021(e); or

(2) A course for which an end-of-course examination is required, in accordance with § 49-6-6006.

(c) A local board of education or the governing body of a public charter school may contract with a teacher holding a permit, but not holding a valid license, but only for the period of time during which the local board of education or the governing body of the public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school.

(d) It is the intent of the general assembly to urge local boards of education and the boards' respective directors of schools, and governing bodies of public charter schools and the respective directors for each of the governing bodies' public charter schools, to make every effort to

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staff kindergarten through grade twelve (K-12) teaching positions with personnel fully licensed and endorsed for such grades.

(e) A director of schools or a director of a public charter school who learns of the conviction of a teacher holding a temporary permit who is employed by the LEA or public charter school, respectively, for any offense listed in § 49-5-417(a) shall report the conviction to the state board of education. The state board shall set the time frame within which a director of schools or a director of a public charter school must report a conviction of a teacher holding a temporary permit. The state board may specify other offenses for which a director of schools or a director of a public charter school is required to report to the state board upon learning of a conviction of a teacher holding a temporary permit for any such offense.

(f) A director of schools or a director of a public charter school shall report to the state board teachers holding a temporary permit who are employed by the LEA or public charter school, respectively, who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for disciplinary action under state board rules. As used in this subsection (f), "sexual misconduct" has the same meaning as defined in § 49-5-417(c)(5).

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 212**SENATE BILL NO. 1597**

**By Bailey, Johnson; Mr. Speaker McNally; Yager, Bowling, Powers,
Walley**

Substituted for: House Bill No. 719

By Keisling, Vaughan, Helton, Faison; Mr. Speaker Cameron Sexton;
Crawford, Windle, Moon, Hawk, Whitson, Sherrell, Gant, Calfee, Powers,
Doggett, Smith, Littleton, Moody

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 61 and Title 68, relative to ambulance service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-61-101]

SECTION 1. Tennessee Code Annotated, Section 7-61-101, is amended by deleting the section and substituting the following:

As used in this part, unless the context otherwise requires:

(1) "Ambulance service" means a public or private entity that is licensed to provide ambulance services in accordance with title 68, chapter 140, part 3;

(2) "County" means a county or metropolitan form of government; and

(3) "Municipality" means an incorporated city or an incorporated town of this state.

[7-61-102]

SECTION 2. Tennessee Code Annotated, Section 7-61-102, is amended by deleting the section and substituting the following:

(a) Ambulance service is hereby designated as an essential service in the state of Tennessee.

(b) All county governing bodies are authorized and directed to make provisions to ensure that at least one (1) licensed ambulance service is available within their county. This may be provided as a county service, but can also be accomplished through other means, including, but not limited to: providing a license or franchise to a private company; contracting with a public, private, or nonprofit entity for the service; entering into an interlocal agreement with one (1) or more local governments; or entering into an agreement with a hospital or other healthcare facility. A county is not required to appropriate county revenues for ambulance service if the service can be provided by any other means.

(c) Municipal governing bodies are also authorized to make provisions for ambulance service within the boundaries of a

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municipality. A municipality shall not provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries without the approval of the county governing body, in the case of unincorporated areas, or the municipal governing body if the area to be served lies within the boundaries of another municipality.

(d) A county shall not provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a municipality that has made provisions for ambulance service without the approval of the municipal governing body of the area to be served.

(e) The governing body of any county or city may adopt and enforce reasonable regulations to control the provision of private or nonprofit ambulance service.

(f)(1) Except as provided in subdivision (f)(2), any two (2) or more counties and municipalities may enter into agreements with each other and with persons providing both emergency and nonemergency ambulance service for a county or counties on a countywide basis, for joint or cooperative action to provide for ambulance service as authorized in this chapter.

(2) In any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), or in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000), according to the 1990 federal census or any subsequent federal census, any two (2) or more counties and municipalities may enter into agreements for joint or cooperative action to provide for ambulance service as authorized in this chapter.

[7-61-103; 7-61-104]

SECTION 3. Tennessee Code Annotated, Sections 7-61-103 and 7-61-104, are amended by deleting the sections.

[Effective date 4/22/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 213**SENATE BILL NO. 1612****By Bailey, Jackson, Powers**

Substituted for: House Bill No. 1155

By Gillespie, Towns, Powell

AN ACT to amend Tennessee Code Annotated, Title 38; Title 55 and Title 62, relative to catalytic converters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[62-9-115]

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 9, is amended by adding the following as a new section:

(a) Any person engaged in the business of buying or selling unattached catalytic converters as a single item and not as part of a scrapped motor vehicle shall give written notification to the chief of police and sheriff of each city and county in which the activity is carried on.

(b) Any person purchasing a used, detached catalytic converter must be registered as a scrap metal dealer pursuant to § 62-9-102.

(c) This section does not apply to a used, detached catalytic converter that has been tested, certified, and labeled, or otherwise approved for reuse, and being bought or sold for purposes of reuse, in accordance with the federal Clean Air Act (42 U.S.C. §§ 7401 et seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended.

(d) A scrap metal dealer shall not purchase or otherwise acquire a used, detached catalytic converter, or any nonferrous metal part of such converter unless:

(1) The used, detached catalytic converter is purchased at the fixed site of the scrap metal dealer in an in-person transaction; or

(2) The scrap metal dealer:

(A) Maintains a fixed site;

(B) Obtains, verifies, and maintains all identification and documentation required by §§ 62-9-103 and 62-9-104; and

(C) Obtains and maintains a copy of the seller's license or a copy of the documentation and vehicle registration.

(e) A used, detached catalytic converter or any part of such converter must not be shipped, unless the converter or part of such converter is being shipped between licensed entities.

(f) A scrap metal dealer shall note in the scrap metal dealer's records any obvious markings on the used, detached catalytic

converter, including paint, labels, and engravings, that would aid in the identification of such catalytic converter.

(g) Only the following persons who provide notice pursuant to subsection (a) may possess or sell used, detached catalytic converters:

(1) A motor vehicle dismantler and recycler required to be licensed pursuant to § 55-17-109;

(2) A scrap metal dealer registered pursuant to § 62-9-102;

(3) A licensed motor vehicle dealer;

(4) A licensed mechanic or licensed automotive repair facility;

(5) Any other licensed business that may reasonably generate, possess, or sell used, detached catalytic converters; or

(6) An individual who possesses documentation indicating that the catalytic converter in the individual's possession is the result of a replacement of a catalytic converter from a vehicle registered in that individual's name.

(h)(1) A person commits an offense who possesses a used, detached catalytic converter that the person did not have authorization to possess under subsection (g). Such person is presumed to be in possession of contraband, subject to seizure by a member of a state or local law enforcement agency and subject to forfeiture in the same manner as is provided by law for the forfeiture of other contraband items.

(2) A violation of subdivision (h)(1) is a Class A misdemeanor, punishable only by fine. Each unlawfully obtained or possessed used, detached catalytic converter subjects the person to a separate charge for each violation. The seller of a used, detached catalytic converter that has been stolen is also liable to the victim for the repair and replacement of the catalytic converter as may be ordered by the court or as otherwise provided by law.

(i) Notwithstanding this section to the contrary, this section does not prohibit a motor vehicle dismantler and recycler that is properly licensed pursuant to § 55-17-109, or a registered scrap metal dealer, from transporting and selling used, detached catalytic converters to a processor, smelter, or refiner, for the recovery of the contained metals or other components in the converters.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 214**HOUSE BILL NO. 38****By Representatives Todd, Hazlewood**

Substituted for: Senate Bill No. 1274

By Senator Reeves

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 1, relative to department of revenue guidance.

WHEREAS, the General Assembly has enacted laws to provide revenue for the funding of State and local governments; and

WHEREAS, it is the duty of the commissioner of revenue to administer many of these laws; and

WHEREAS, in order to properly administer these laws, the commissioner of revenue must communicate guidance to taxpayers; and

WHEREAS, the General Assembly wants to foster an environment in which the commissioner of revenue can effectively communicate such guidance, and taxpayers will be confident in relying upon such guidance; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-1-108]

SECTION 1. Tennessee Code Annotated, Section 67-1-108, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is the commissioner's duty to implement and enforce the laws administered by the commissioner under this or any other title. The commissioner shall enforce these laws in a manner consistent with all applicable statutes, rules, and regulations. When the commissioner publishes guidance regarding the taxability of any privilege, affected taxpayers are entitled to rely on the guidance. If the commissioner changes the guidance, then a taxpayer who relied on the guidance before it was changed is not liable for any assessment of additional tax, interest, or penalty that accrued before the guidance was changed and was unpaid because of the taxpayer's reasonable reliance upon the guidance.

(b) If a taxpayer is either audited by the department or requests specific advice from the department and receives erroneous audit findings or advice, then the taxpayer is not liable for any assessment of additional tax, interest, or penalty attributable to the erroneous finding or advice furnished by the department, to the extent the following conditions are all satisfied:

(1) The finding or advice was reasonably relied upon by the taxpayer. In determining whether the reliance was reasonable, the

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taxpayer is deemed to be aware of any changes in applicable law that occurred after the finding or advice was furnished by the department;

(2) The additional assessment did not result from the taxpayer's failure to provide adequate or accurate information; and

(3) The department provided the finding or advice to the taxpayer in writing or the department's records establish that the department provided erroneous verbal advice to the taxpayer. In furtherance of this condition, the department shall adopt formal audit procedures to allow taxpayers the right to memorialize audit findings in the final audit document prepared by the audit division upon completion of the audit.

(c) If the commissioner changes the policy of the department as to the taxability of any privilege, then the policy change must be applied to the exercise of those privileges occurring after the date of the policy change only, unless otherwise provided by law.

(d) The commissioner is encouraged to continue providing and publishing guidance and advice to taxpayers to assist with compliance with this state's tax statutes. Except as specifically provided in this section, the issuance of guidance, advice, or audit findings by the commissioner does not constitute new or revised enforcement of the law.

(e) This section is intended only to prevent audit assessments against taxpayers that reasonably relied upon guidance, advice, or prior findings communicated to the taxpayer by the department. Such guidance, advice, or findings do not have the force and effect of law and do not independently establish a basis for a claim for refund under § 67-1-1802. Any claim for refund must be based on applicable statutes, rules, and regulations.

(f) The department shall designate as public guidance applicable, published manuals, notices, and statements.

(g) As used in this section:

(1) "Audit finding" or "finding":

(A) Means the specific conclusions contained in the final document written by the audit division or hearing office and presented to the taxpayer upon completion of an audit or an informal conference conducted to review an audit;

(B) Includes findings memorialized in the final document written by the audit division pursuant to the procedures established under subdivision (b)(3); and

(C) Does not include the issuance of a license, certificate, or application approval;

(2) "Published" means displayed on the department's website; and

(3) "Published guidance" or "guidance":

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(A) Means tax manuals, important notices, statements presented in a question-and-answer format, or other substantive statements regarding the taxability of a privilege that are published on the department's website; and

(B) Does not include verbal comments from an auditor or letter rulings or revenue rulings, as described in § 67-1-109, that are redacted and placed on the department's website.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 215**HOUSE BILL NO. 47****By Representatives Ogles, Moody, Griffey**

Substituted for: Senate Bill No. 226

By Senators Hensley, Rose

AN ACT to amend Tennessee Code Annotated, Title 39, relative to criminal sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the “Good Samaritan Sentencing Enhancement Act.”

[39-13-204]

SECTION 2. Tennessee Code Annotated, Section 39-13-204(i), is amended by adding the following as a new subdivision:

() The victim of the murder was acting as a Good Samaritan at the time of the murder and the defendant knew that the person was acting as a Good Samaritan. For purposes of this subdivision (i)(), “Good Samaritan” means a person who helps, defends, protects, or renders emergency care to a person in need without compensation;

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 216**HOUSE BILL NO. 83**

By Representatives Lamberth, Gant, Moon, Hall, Powell, Griffey, Ragan, Jernigan, Powers, Garrett, Hawk, Crawford, Chism, Boyd, Wright, Whitson, Camper, Windle, Sparks, Vaughan, Halford, Carr, Russell, Howell, Terry, Moody, Reedy, White, Darby, Eldridge, Hulse, Smith, Alexander, Faison, Doggett, Campbell, Gillespie, Littleton, Warner, Lafferty, Lynn, Freeman, Thompson, Leatherwood, Stewart, Calfee, Gary Hicks, Bricken, Sherrell, Ramsey, Beck, Haston, Lamar, Jerry Sexton, Hurt, Todd, Curcio, Cepicky, Tim Hicks, Clemmons

Substituted for: Senate Bill No. 755

By Senators Johnson, Powers, Walley, Jackson, White, Yager, Akbari, Campbell, Bowling, Briggs, Gilmore, Haile, Pody, Reeves, Roberts, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 10, relative to tuition assistance for Tennessee national guard members.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-1003]

SECTION 1. Tennessee Code Annotated, Section 49-4-1003, is amended by deleting subdivision (2) and substituting:

(2) "Educational institution" means any public university, college, community college, college of applied technology, or any private college or university that is regionally accredited and has its primary campus domiciled in this state;

[49-4-1003]

SECTION 2. Tennessee Code Annotated, Section 49-4-1003, is amended by deleting subdivision (8) and substituting:

(8) "Tuition" means the total semester, quarter, or classroom hour cost of instruction delineated in the catalog of an educational institution, including all mandatory fees.

[49-4-1003]

SECTION 3. Tennessee Code Annotated, Section 49-4-1003, is amended by adding the following as new subdivisions:

() "Educational program" means a program offered by an educational institution through which a student can earn a certificate or diploma, but does not mean a doctoral program;

() "Officer-producing program" means a reserve officer training corps program offered through a college or university;

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() "Semester hour" means the credit hour used by an educational institution, if the institution is on a semester system, or its equivalent if the institution is on a system other than a semester system, and includes each semester hour attempted, whether remedial or for credit toward a degree, but does not include any semester hour attempted before graduating from high school or earning a high school equivalency diploma;

[49-4-1004]

SECTION 4. Tennessee Code Annotated, Section 49-4-1004, is amended by deleting subsection (b) and substituting:

(b) Upon successful application by the eligible member attending a public educational institution, the department of military shall pay the educational institution an amount equal to one hundred percent (100%) of the maximum resident in-state tuition charged by the institution attended for the educational program to which the member successfully applied, less all other state or federal financial assistance as described in § 49-4-1005. Such financial assistance must be credited first to the member's tuition, subject to § 49-4-1005.

[49-4-1005]

SECTION 5. Tennessee Code Annotated, Section 49-4-1005, is amended by deleting the section and substituting:

The following are limitations and conditions on eligibility for tuition reimbursement under the program:

(1) A member must maintain satisfactory academic progress and, for undergraduate, vocational, or technical programs, a minimum grade point average of 2.0, and for a master's program, a minimum grade point average of 3.0, as determined by the educational institution attended for the semester for which the member applies for tuition reimbursement;

(2) A member receiving tuition reimbursement under this part who ceases to be eligible for the reimbursement because the member fails to maintain satisfactory academic progress or the required grade point average at the end of any semester may regain eligibility for tuition reimbursement at the end of any subsequent semester in which satisfactory academic progress and the required grade point average are established;

(3) Tuition reimbursement must be paid to an educational institution on behalf of a member for no more than one hundred twenty (120) semester hours or eight (8) full-time equivalent semesters toward a member's first bachelor's degree. A member ceases to be eligible for tuition reimbursement under this part upon the first of the following events to occur:

(A) The member has attempted one hundred twenty (120) semester hours toward the member's first bachelor's degree, inclusive

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of any postsecondary semester hours earned prior to receipt of tuition reimbursement under this part;

(B) The member has completed eight (8) full-time equivalent semesters toward the member's first bachelor's degree; or

(C) The member has earned a first bachelor's degree;

(4) Tuition reimbursement must be paid to an educational institution on behalf of a member for no more than forty (40) semester hours toward a member's first master's degree. A member is no longer eligible for tuition reimbursement under this part upon the first of the following events to occur:

(A) The member has attempted forty (40) semester hours toward the member's first master's degree, inclusive of any post-baccalaureate semester hours earned prior to receipt of tuition reimbursement under this part; or

(B) The member has earned a first master's degree;

(5) Tuition reimbursement must be paid to an educational institution on behalf of a member for no more than twenty-four (24) semester hours toward a certificate or diploma from a vocational or technical program. A member is no longer eligible for tuition reimbursement under this part when the member has attempted twenty-four (24) semester hours toward a certificate or diploma from a vocational or technical program, inclusive of any semester hours earned in that same vocational or technical program prior to receipt of tuition reimbursement under this part. It is not required that tuition reimbursement under this part apply toward a member's first certificate or diploma from a vocational or technical program;

(6) Notwithstanding subdivisions (3) and (4), a member who is enrolled in an officer-producing program at an educational institution is exempt from the semester and semester-hour limits for tuition reimbursement under this part for up to thirty (30) additional semester hours for the limited purpose of allowing the member to complete the courses required to accept a commission upon graduation with the member's first bachelor's or master's degree;

(7) Tuition reimbursement amounts that a member is eligible to receive under this part must be offset and reduced by the aggregate amount of state and federal education financial assistance received by the member during the semester or educational term, unless federal law or regulation requires otherwise, in which case federal priority controls. Such assistance includes, but is not limited to, the Tennessee Promise scholarship, the Tennessee Reconnect grant, the Tennessee HOPE scholarship, and similar state assistance, as such assistance programs or grants may be amended, as well as Tennessee student assistance awards, the federal Pell grant, Montgomery GI Bill benefits, Post-9/11 GI Bill benefits, and federal tuition assistance program benefits;

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(8) Members eligible for federal tuition assistance must apply for and use federal tuition assistance;

(9) Members receiving a reserve officer training corps scholarship must exhaust the benefits of the reserve officer training corps scholarship in order to be eligible for tuition reimbursement under this part;

(10) Members must be in good standing and currently active in the Tennessee national guard; and

(11) Members must submit an application for tuition reimbursement under this part within ninety (90) days of course completion.

[49-4-1008]

SECTION 6. Tennessee Code Annotated, Section 49-4-1008, is amended by deleting the section and substituting:

This part is repealed on June 30, 2025, unless reenacted or extended by the general assembly prior to that date.

[Effective date 4/22/2021]

SECTION 7. Sections 1 through 5 take effect July 1, 2021, the public welfare requiring it. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 217

HOUSE BILL NO. 84

By Representatives Lamberth, Gant, Mannis, Vaughan, Hazlewood

Substituted for: Senate Bill No. 756

By Senators Johnson, Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 67-1-1429, relative to the statute of limitations for tax collection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-1-1429]

SECTION 1. Tennessee Code Annotated, Section 67-1-1429(a), is amended by adding the following as a new subdivision (5):

(5) The period for collection provided in subdivision (a)(1)(A) ceases running upon the imposition of a bankruptcy stay as provided in 11 U.S.C. § 362 or upon the filing of a probate, receivership, or assignment for the benefit of creditors proceeding. Such period recommences running thirty (30) days after the stay is lifted or the proceeding prohibiting collection ends.

[Effective date 4/22/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 218**HOUSE BILL NO. 86****By Representatives Lamberth, Gant, Howell**

Substituted for: Senate Bill No. 758

By Senators Johnson, Powers

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4, relative to vehicle registration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-4-113]

SECTION 1. Tennessee Code Annotated, Section 55-4-113(a)(2)(H), is amended by deleting the language “fifty-six thousand pounds (56,000 lbs.)” and substituting instead the language “fifty-five thousand pounds (55,000 lbs.)”.

[55-4-210]

SECTION 2. Tennessee Code Annotated, Section 55-4-210(f), is amended by deleting subdivision (2) and substituting instead the following:

(2) The department is authorized to design and authorize a designee to issue and renew off-highway vehicle temporary permits in lieu of plates for off-highway vehicles registered by nonresidents. An off-highway vehicle temporary permit is valid for thirty (30) days.

[55-4-212]

SECTION 3. Tennessee Code Annotated, Section 55-4-212(a)(3), is amended by deleting the language “taxpayer and”.

[55-4-226]

SECTION 4. Tennessee Code Annotated, Section 55-4-226(e), is amended by deleting the subsection and substituting instead the following:

(e) The special purpose plates issued under this section shall expire on May 31 of each year. The person to whom a special purpose plate is issued may apply to the registrar of motor vehicles, or the registrar's deputy as provided by law, for renewal registration. Upon renewal, a decal will be issued for the ensuing registration year. Issuance of plates and decals will begin May 1 of each year, upon payment of the fee provided by law, and proof by the applicant that the applicant is still engaged in business as a manufacturer, transporter, dealer, or vehicle preparation service.

[55-4-228]

SECTION 5. Tennessee Code Annotated, Section 55-4-228(f), is amended by deleting the subsection and substituting instead the following:

PUBLIC CHAPTER NO. 218 (cont'd)

(f) The special purpose plates issued under this section shall expire on May 31 of each year. The person to whom a special purpose plate is issued may apply to the department or any county clerk within the state for renewal registration. Upon renewal, a decal will be issued for the ensuing registration year. Issuance of plates and decals will begin May 1 of each year, upon payment of the fee provided by law, and proof by the applicant that the applicant continues to be a nonprofit organization.

[55-4-255]

SECTION 6. Tennessee Code Annotated, Section 55-4-255(b), is amended by deleting the language “taxpayer and”.

[55-4-257]

SECTION 7. Tennessee Code Annotated, Section 55-4-257(b), is amended by deleting the language “taxpayer and”.

[55-4-307]

SECTION 8. Tennessee Code Annotated, Section 55-4-307(c), is amended by deleting the language “taxpayer and”.

[Effective date 4/22/2021]

SECTION 9. Sections 1, 4, and 5 shall take effect on July 1, 2021, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 219**HOUSE BILL NO. 87****By Representatives Lamberth, Gant, Russell**

Substituted for: Senate Bill No. 760

By Senators Johnson, Powers

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13; Title 55, Chapter 50, Part 3 and Title 55, Chapter 50, Part 4, relative to the production format of credentials issued by the department of safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-50-323]

SECTION 1. Tennessee Code Annotated, Section 55-50-323(a)(2)(K)(ii), is amended by deleting “color”.

[55-50-331]

SECTION 2. Tennessee Code Annotated, Section 55-50-331(b)(1), is amended by deleting “color”.

[55-50-331]

SECTION 3. Tennessee Code Annotated, Section 55-50-331(b)(2), is amended by deleting “The plastic laminated driver license issued by the department shall not display” and substituting instead “The department shall not issue a driver license that displays”.

[55-50-331]

SECTION 4. Tennessee Code Annotated, Section 55-50-331(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) The date of birth information on a driver license issued by the department must be plainly visible and the font size must be the same size as that of the driver license number.

[55-50-335]

SECTION 5. Tennessee Code Annotated, Section 55-50-335(a), is amended by deleting “Color” and substituting instead “visible full face”.

[55-50-335]

SECTION 6. Tennessee Code Annotated, Section 55-50-335(b)(1), is amended by deleting “plastic laminated driver licenses bearing thereon a color” and substituting instead “driver licenses bearing a visible full face”.

PUBLIC CHAPTER NO. 219 (cont'd)**[55-50-407]**

SECTION 7. Tennessee Code Annotated, Section 55-50-407(a)(11), is amended by deleting “Color” and substituting instead “Visible full face”.

[39-17-1351]

SECTION 8. Tennessee Code Annotated, Section 39-17-1351(0)(1), is amended by deleting “laminated”.

[39-17-1351]

SECTION 9. Tennessee Code Annotated, Section 39-17-1351(o)(1)(C), is amended by deleting “color” and substituting instead “visible full face”.

[39-17-1366]

SECTION 10. Tennessee Code Annotated, Section 39-17-1366(f), is amended by deleting “laminated”.

[39-17-1366]

SECTION 11. Tennessee Code Annotated, Section 39-17-1366(f)(3), is amended by deleting “color” and substituting instead “visible full face”.

[Effective date 4/22/2021]

SECTION 12. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 220**HOUSE BILL NO. 88****By Representatives Lamberth, Gant, Keisling**

Substituted for: Senate Bill No. 759

By Senators Johnson, Powers

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to private entities conducting court-ordered education courses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-10-301]

SECTION 1. Tennessee Code Annotated, Section 55-10-301(b)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(C) Private entity that:

(i) Is licensed by the secretary of state to conduct business in this state, if required of the entity by state law;

(ii) Is registered with the department of revenue for all applicable taxes; and

(iii) Conducts at least two (2) courses per calendar year, whether in person or online.

[55-10-804]

SECTION 2. Tennessee Code Annotated, Section 55-10-804(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Private entity that:

(A) Is licensed by the secretary of state to conduct business in this state, if required of the entity by state law;

(B) Is registered with the department of revenue for all applicable taxes; and

(C) Conducts at least two (2) courses per calendar year, whether in person or online.

[Effective date 7/1/2021]

SECTION 3. For rulemaking purposes, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 221

HOUSE BILL NO. 92

By Representatives Lamberth, Gant, Marsh, Hazlewood

Substituted for: Senate Bill No. 762

By Senators Johnson, Pody, Massey

AN ACT to amend Tennessee Code Annotated, Section 54-5-853, relative to electronic transmission of notice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[54-5-853]

SECTION 1. Tennessee Code Annotated, Section 54-5-853(a), is amended by deleting the language “performed, by certified mail, return receipt requested, addressed to the designated representative of the owners” and substituting instead the language:

performed either by certified mail, return receipt requested, or by electronic transmission of a digital copy in the format, and subject to such restrictions on use, as the department may specify, addressed to the designated representative of the owners

[54-5-853]

SECTION 2. Tennessee Code Annotated, Section 54-5-853(c), is amended by adding the language “, or by electronic transmission of a digital copy” immediately after the word “requested”.

[Effective date 7/1/2021]

SECTION 3. This act shall take effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 222

HOUSE BILL NO. 188

By Representatives Moon, Hall, Griffey, Whitson, Windle, Reedy, Chism, Eldridge, Crawford, Wright, Vaughan, Camper, Curtis Johnson, Hodges, Hardaway, Stewart, Thompson, Ramsey, Russell, Mannis, Smith, Hazlewood, Gloria Johnson, Powell, Boyd, Todd, Moody, Alexander, Howell, Helton, Clemmons, Williams, Jernigan, Cepicky, Terry

Substituted for: Senate Bill No. 382

By Senators Jackson, Campbell, Crowe, Gilmore, Massey, Rose

AN ACT to amend Tennessee Code Annotated, Title 58; Title 62; Title 63 and Title 68, relative to occupational training.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[62-76-106]

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Honorably discharged veteran" means any person who has been honorably discharged from the army, navy, air force, marine corps, or coast guard, or any person who has been honorably discharged from a reserve component as defined in 10 U.S.C. § 10101, having performed active federal service in the armed forces of the United States;

(2) "Licensing authority" means a state board, agency, or commission, attached to the division of regulatory boards, as listed in § 4-3-1304(a), with the authority to impose training, education, or licensure fees to practice in an occupation regulated under this title; and

(3) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102.

(b) Members of the United States armed forces and persons who are honorably discharged veterans are eligible to receive equivalent credit toward the receipt of an occupational license regulated under this title relating to the training received while serving in the armed forces if the training is consistent with requirements for licensure as determined by the applicable licensing authority. In order to receive credit in accordance with this subsection (b), the member of the armed forces or honorably discharged veteran must submit to the applicable licensing authority as evidence of training a certificate from:

(1) The United States department of defense; or

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(2) The United States department of veterans affairs.

(c) Any person aggrieved by a decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner of commerce and insurance, or the commissioner's designee, for a determination of whether the training meets the requirements for licensure. An appeal under this subsection (c) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) The commissioner of commerce and insurance, in collaboration with the commissioner of veterans services, shall promulgate rules to effectuate this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act.

[Effective date 1/1/2022]

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022.

PUBLIC CHAPTER NO. 223**HOUSE BILL NO. 206****By Representatives Cochran, Cepicky, Hurt**

Substituted for: Senate Bill No. 273

By Senator Rose

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to truancy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-3006]

SECTION 1. Tennessee Code Annotated, Section 49-6-3006(b), is amended by deleting the word “intervention”.

[49-6-3007]

SECTION 2. Tennessee Code Annotated, Section 49-6-3007(e)(4)(B), is amended by deleting the language “the first tier of the progressive truancy intervention requirements as described in § 49-6-3009” and substituting the language “the truancy intervention requirements of the second tier of the progressive truancy plan as described in § 49-6-3009”.

[49-6-3007]

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(e)(4), is amended by deleting subdivision (C) and substituting instead the following:

(C) This section does not prohibit a local board of education from adopting a progressive truancy plan that allows the LEA to take intervention actions before those required in this subsection (e). Such actions may include any of the truancy intervention actions required for the second or third tier of the LEA’s progressive truancy plan.

[49-6-3009]

SECTION 4. Tennessee Code Annotated, Section 49-6-3009(c), is amended by deleting the language “a progressive truancy intervention plan” and substituting the language “a progressive truancy plan that implements tiers of intervention”.

[49-6-3009]

SECTION 5. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (d) and substituting instead the following:

(d) Progressive truancy plans adopted by local boards of education pursuant to subsection (c) must be applied prior to referral to juvenile court as described in § 49-6-3007(e)(1). Beginning with the 2021-2022 school year, progressive truancy plans must include a first tier

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of truancy prevention that is applicable to all enrolled students, and a second and third tier of truancy intervention required for students who have accumulated a minimum of five (5) days of unexcused absences. Beginning with the 2021-2022 school year, progressive truancy plans must meet the following requirements:

(1) Tier one of the progressive truancy plan must include schoolwide, prevention-oriented supports;

(2) Tier two must be implemented upon a student's accumulation of five (5) unexcused absences, as specified in the LEA's progressive truancy plan, and must include, at a minimum:

(A) A conference with the student and the parent, guardian, or other person having control of the student;

(B) A resulting attendance contract to be signed by the student, the parent, guardian, or other person having control of the student, and an attendance supervisor or designee. The contract must include:

(i) A specific description of the school's attendance expectations for the student;

(ii) The period for which the contract is in effect; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court;

(C) Regularly scheduled follow-up meetings, which may be with the student and the parent, guardian, or other person having control of the student to discuss the student's progress;

(D) An individualized assessment by a school employee of the reasons a student has been absent from school; and

(E) If necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems; and

(3) Tier three must be implemented if the truancy interventions under tier two are unsuccessful. Tier three may consist of one (1) or more of the following:

(A) School-based community services;

(B) Participation in a school-based restorative justice program;

(C) Referral to a school-based teen court; or

(D) Saturday or after-school courses designed to improve attendance and behavior.

[49-6-3009]

SECTION 6. Tennessee Code Annotated, Section 49-6-3009, is amended by adding the following as a new subsection:

PUBLIC CHAPTER NO. 223 (cont'd)

(m) For purposes of this section, all references to “intervention,” “truancy intervention,” or “progressive truancy intervention” are deemed references to the truancy interventions of the second and third tiers of a progressive truancy plan.

[49-6-3009]

SECTION 7. Tennessee Code Annotated, Section 49-6-3009(e), is amended by deleting the word “intervention”.

[49-6-3009]

SECTION 8. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (f) and substituting instead the following:

(f)

(1) Notwithstanding subsections (d) and (g), if any tier of progressive truancy intervention is unsuccessful with a student and the school can document that the student’s parent or guardian is unwilling to cooperate with the truancy intervention requirements outlined in the progressive truancy plan, then the director of schools, or the director’s designee, may report the student’s absences to the appropriate judge pursuant to subsection (g) without first having to implement subsequent intervention tiers, if any.

(2) For purposes of this subsection (f), evidence of a parent’s or guardian’s unwillingness to cooperate with the truancy intervention requirements outlined in the progressive truancy plan includes, but is not limited to, a parent’s or guardian’s failure or refusal, on multiple occasions, to attend conferences, return telephone calls, attend follow-up meetings, enter into an attendance contract, or actively participate in any of the tiers of truancy intervention outlined in subsection (d) or in the local board of education’s progressive truancy plan.

[49-6-3009]

SECTION 9. Tennessee Code Annotated, Section 49-6-3009(9), is amended by deleting the language “progressive truancy intervention plan” and substituting the language “progressive truancy plan”.

[49-6-3009]

SECTION 10. Tennessee Code Annotated, Section 49-6-3009(h), is amended by deleting subdivision (1) and substituting instead the following:

(1) The school applied the progressive truancy interventions of the progressive truancy plan adopted under subsection (d) for the student; and

[Effective date 7/1/2021]

SECTION 11. This act takes effect July 1, 2021, the public welfare requiring it, and applies to the 2021-2022 school year and each school year thereafter.

PUBLIC CHAPTER NO. 224

HOUSE BILL NO. 298

By Representative Ragan

Substituted for: Senate Bill No. 77

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 37, Chapter 5, Part 3, relative to the statewide community services agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (50).

[4-29-244; 37-5-305]

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following as a new subdivision:

() Statewide community services agency, created by § 37-5-305;

[Effective date 4/22/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 225**HOUSE BILL NO. 364****By Representatives Russell, Gillespie**

Substituted for: Senate Bill No. 619

By Senator Bell

AN ACT to amend Tennessee Code Annotated, Title 55, relative to traffic accidents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-10-115]

SECTION 1. Tennessee Code Annotated, Section 55-10-115, is amended by adding the following as a new subsection:

(d)

(1) Any member of the general assembly may request, in writing, the department to provide a copy of a crash report received pursuant to this part that occurred in the member's district and that resulted in a person's death. The report must be provided to the member within thirty (30) business days after a confirmed death is reported to the department on the crash report.

(2) The written request must include the duration for which the member wishes to receive crash reports, up to three hundred sixty-five (365) days. A member must submit another request after the expiration of the previous request in order to continue receiving crash reports.

(3) A crash report that is subject to an ongoing investigation or court order requiring the information be kept confidential shall not be released under this subsection (d).

(4) The federal Driver Privacy Protection Act (18 U.S.C. §§ 2721-2725), the Uniform Motor Vehicle Records Disclosure Act, compiled in chapter 25 of this title, and any other state or federal law regarding protection of personally identifiable information apply to any report released under this subsection (d).

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 226**HOUSE BILL NO. 651****By Representatives Alexander, Hazlewood**

Substituted for: Senate Bill No. 533

By Senator Reeves

AN ACT to amend Tennessee Code Annotated, Section 7-82-401; Section 68-221-1017 and Section 68-221-1010, relative to utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-82-401]

SECTION 1. Tennessee Code Annotated, Section 7-82-401, is amended by deleting subdivision (g)(3) and substituting the following:

(3) For the purposes of this chapter, “financially distressed utility district” means a utility district, and its system or systems, that, as shown by the audited annual financial reports, has either a deficit in total net position, is in default on an indebtedness, or has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions. For purposes of this section, “change in net position” means total revenues less all grants, capital contributions, and expenses.

[68-221-1010]

SECTION 2. Tennessee Code Annotated, Section 68-221-1010, is amended by deleting subdivision (a)(1) and substituting the following:

(1) Within sixty (60) days from the time that an audit of a water system or wastewater facility is filed with the comptroller of the treasury, the comptroller of the treasury shall file with the board the audited annual financial report of any water system or wastewater facility that has a deficit total net position in any one (1) year, has a negative change in net position for two (2) consecutive years, or is currently in default on any of its debt instruments. For purposes of this section, “change in net position” means total revenues less all grants, capital contributions, and expenses.

[68-221-1017]

SECTION 3. Tennessee Code Annotated, Section 68-221-1017, is amended by deleting subdivision (f)(1) and substituting the following:

(1) The water and wastewater financing board shall issue an order approving or disapproving the petition for the new utility system within ninety (90) calendar days of receipt of the petition by the board, its agent, or its representative.

PUBLIC CHAPTER NO. 226 (cont'd)**[Effective date 4/22/2021]**

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 227**HOUSE BILL NO. 765****By Representatives Lamberth, Gant, Garrett**

Substituted for: Senate Bill No. 750

By Senators Johnson, Roberts

AN ACT to amend Tennessee Code Annotated, Section 36-5-101(9) and Section 36-5-103(f), relative to the adjustment of child support orders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[36-5-101]

SECTION 1. Tennessee Code Annotated, Section 36-5-101(g)(4)(A), is amended by deleting the language “subdivision (g)(4)(B) and”.

[36-5-101]

SECTION 2. Tennessee Code Annotated, Section 36-5-101(g)(4)(B), is amended by deleting the subdivision.

[36-5-101]

SECTION 3. Tennessee Code Annotated, Section 36-5-101(g), is amended by adding the following as a new subdivision (5) and redesignating the existing subdivision accordingly:

(5) When the department of human services becomes aware of a change in circumstances of either party to a Title IV-D child support case, the department may review and seek an adjustment to the support obligation to the extent required by the child support guidelines.

[36-5-103]

SECTION 4. Tennessee Code Annotated, Section 36-5-103(f)(1)(B), is amended by deleting the subdivision and substituting instead the following:

(B) In the case of a request for review that is made between three-year cycles, the department shall review, and, if the requesting party demonstrates to the department that there has been a substantial change in circumstances, then the department shall seek an adjustment to the support order in accordance with the guidelines established pursuant to § 36-5-101(e); provided, that if the department becomes aware at any time of a change in circumstances of either party to a Title IV-D child support case, then the department may review and seek an adjustment to the support obligation to the extent required by the child support guidelines. For purposes of this subsection (f), a “substantial change in circumstances” is a “significant variance,” as defined by the department’s child support guidelines, between the amount of the current order and the amount that would be ordered under the department’s child support guidelines.

PUBLIC CHAPTER NO. 227 (cont'd)**[Effective date 7/1/2021]**

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 228**HOUSE BILL NO. 831****By Representatives Kumar, Todd, Hazlewood**

Substituted for: Senate Bill No. 787

By Senator Lundberg

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 53, relative to the board of directors of industrial development corporations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-53-301]

SECTION 1. Tennessee Code Annotated, Section 7-53-301, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Each director of an industrial development corporation board shall complete a conflict of interest statement acknowledging that the director has received a copy of § 12-4-101. The statement must include acknowledgements that the director understands that the director is required to refrain from voting on matters in which the director is directly interested and that the director must disclose any matter in which the director is indirectly interested before voting on the matter. The Tennessee ethics commission shall publish a sample conflict of interest statement on its public website.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 229**HOUSE BILL NO. 890****By Representatives Leatherwood, White**

Substituted for: Senate Bill No. 1223

By Senator Rose

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to alternative education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-3402]

SECTION 1. Tennessee Code Annotated, Section 49-6-3402(c)(1), is amended by deleting subdivision (C) and substituting instead the following:

(C)

(i) Notwithstanding subdivision (c)(1)(A), a director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if the alternative school or alternative program is located on the same grounds as the regular school program from which the student was suspended or expelled.

(ii) This subdivision (c)(1)(C) does not prohibit a director of schools, or a director's designee, from assigning a student who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program. The director of schools, or the director's designee, shall determine whether to assign a student to an alternative school or alternative program under this subdivision (c)(1)(C) on a case-by-case basis.

(D) Attendance in an alternative school or alternative program is voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to students suspended or expelled on or after that date.

PUBLIC CHAPTER NO. 230**HOUSE BILL NO. 976****By Representatives Williams, Smith, Littleton**

Substituted for: Senate Bill No. 706

By Senators Walley, Massey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4, relative to drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-402]

SECTION 1. Tennessee Code Annotated, Section 39-17-402(16), is amended by deleting subdivision (D) and substituting:

(D) The term “marijuana” does not include a product approved as a prescription medication by the United States food and drug administration. Such product shall be designated, rescheduled, or deleted as a controlled substance pursuant to § 39-17-403.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 231**HOUSE BILL NO. 1091****By Representatives Cooper, Camper, Love**

Substituted for: Senate Bill No. 1411

By Senator Akbari

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 5, relative to the board of dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-5-103]

SECTION 1. Tennessee Code Annotated, Section 63-5-103(d)(1), is amended by deleting the subdivision and substituting instead the following:

The governor shall make appointments to the board not later than one (1) month after the expiration of the term of office of any member, and such or further delay in the appointment must be deducted from the term of the appointment. The governor shall fill vacancies occurring on the board by death or resignation for the unexpired term from lists submitted to the governor as provided in this section. If the vacancy is not filled within thirty (30) days by the governor, then the board shall fill the vacancy for the unexpired term. A person is not eligible for appointment to the board if the person is employed by or with a dental supply business or dental laboratory.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 232**HOUSE BILL NO. 1097****By Representatives Baum, Hazlewood**

Substituted for: Senate Bill No. 1261

By Senator Reeves

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 19, relative to bonds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-19-101]

SECTION 1. Tennessee Code Annotated, Section 8-19-101, is amended by adding the following as a new subsection:

() A county that has elected to self-insure its liability under the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20, may elect, by resolution adopted by two-thirds (2/3) vote of its governing body, to self-insure its risk of loss instead of obtaining the bonds or insurance required under this section, under the same terms as bonds or insurance under this chapter. A county making an election under this section shall file a copy of the resolution in the office of the register of deeds.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 233**HOUSE BILL NO. 1098****By Representatives Baum, Crawford, Hazlewood, Terry**

Substituted for: Senate Bill No. 1273

By Senators Reeves, Massey

AN ACT to amend Tennessee Code Annotated, Section 2-6-601, relative to voting in nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-6-601]

SECTION 1. Tennessee Code Annotated, Section 2-6-601(a), is amended by deleting the language “any licensed nursing home, home for the aged or similar licensed institution providing relatively permanent domiciliary care, other than a penal institution” each time it appears and substituting instead the language “a nursing home”, and by deleting the language “the licensed nursing homes” and substituting instead the language “the nursing homes”.

[2-6-601]

SECTION 2. Tennessee Code Annotated, Section 2-6-601(b), is amended by deleting the language “licensed nursing home, assisted care living facility, home for the aged, or similar licensed institution providing relatively permanent domiciliary care” and substituting instead the language “nursing home”.

[2-6-601]

SECTION 3. Tennessee Code Annotated, Section 2-6-601, is amended by adding the following as a new subsection:

(c) As used in this part, “nursing home” means a licensed nursing home, assisted care living facility, or home for the aged, other than a penal institution, and includes any independent living facility on the same property as a licensed nursing home, assisted care living facility, or home for the aged.

[Effective date 4/22/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 234**HOUSE BILL NO. 1112**

By Representatives Vaughan, Lamberth, Williams, Todd, Hazlewood

Substituted for: Senate Bill No. 1150

By Senators Johnson, Bowling, Rose

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 4 and Title 50, Chapter 3, relative to requirements placed on contractors under public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[50-3-109]

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) A county, municipality, or other local government entity, or department, board, or agency thereof, including a school or board of education, shall not require a prime contractor or remote contractor, as part of an improvement of real property, or a bid, proposal, or agreement relating to an improvement of real property, to:

(1) Obtain, gather, or disclose personnel information or data of the prime or remote contractor's employees, except to the extent required under federal or state law;

(2) Provide personnel information or data of the prime contractor or remote contractor's employees to a person or entity, except to the extent required by federal or state law;

(3) Adhere to safety and health standards in excess of that required under federal occupational health and safety act (OSHA) and Tennessee occupational health and safety act (TOSHA) rules and regulations;

(4) Provide access to a worksite to anyone who would not otherwise have a legal right to access the worksite under federal or state law;

(5) Provide access to personnel information or data of anyone furnishing labor or materials on a worksite to a third party, including a non-employee designee, unless:

(A) Otherwise required by federal or state law; or

(B) The third party is a certified public accountant retained by the government entity to conduct an overall audit of the prime contract for the improvement;

(6) Require written contracts or agreements for the provision of labor or materials furnished in furtherance of the improvement, unless otherwise required by federal or state law;

PUBLIC CHAPTER NO. 234 (cont'd)

(7) Be responsible for another party's compliance with a written agreement relating to the improvement, except as otherwise required by federal or state law; or

(8) Offer direct employment to a temporary laborer or an employee regardless of the temporary laborer's or temporary employee's length of service.

(b) Unless otherwise required by federal or state law, an ordinance, rule, or policy adopted by a government entity listed in subsection (a) that attempts to prevent or restrict a prime contractor or remote contractor from bidding on or accepting a contract for the improvement of real property based on the contractor's failure or refusal to perform an act described in subsection (a), or that attempts to provide a preference to a contractor that is willing to perform such act, is void as against the public policy of this state.

(c) A government entity listed in subsection (a) shall only restrict a prime contractor or remote contractor from bidding, proposing, or accepting a contract or furnishing labor or material for an improvement to real property based upon a final finding or order that the prime contractor or remote contractor committed a willful violation of federal or state law.

[Effective date 4/22/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after the effective date of this act.

PUBLIC CHAPTER NO. 235**HOUSE BILL NO. 1168**

By Representatives Harris, Stewart, Parkinson, Miller, Thompson, Hakeem, Mitchell, Jernigan, Lamar, Freeman, Hodges, Windle, Littleton, Mannis, Eldridge, Love, Campbell, Bricken, Chism, Hardaway, Gloria Johnson, Sparks, Camper, Warner, Towns, Garringer, Shaw, Beck, McKenzie, Moody, Clemmons, Whitson, Powell, Helton

Substituted for: Senate Bill No. 1388

By Senators Kyle, Campbell, Gilmore, Robinson, Rose

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[36-6-106]

SECTION 1. Tennessee Code Annotated, Section 36-6-106, is amended by deleting subsection (e) and substituting:

(e) The disability of a parent alone shall not be considered for or against awarding custody to such a party unless the disability impacts the parent's ability to meet the needs of the child.

[36-1-113]

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by adding the following as a new, appropriately designated subsection:

() The disability of a parent or guardian alone shall not be considered for or against termination of parental or guardian rights unless the disability impacts the parent's ability to care for the physical or psychological welfare of the child.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 236**HOUSE BILL NO. 1343**

**By Representatives Ogles, Russell, Griffey, Hardaway, Todd, Moody,
Ragan**

Substituted for: Senate Bill No. 442

By Senator Rose

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 2, relative to contraband in a penal institution.

WHEREAS, telecommunication devices in penal institutions propagate and continue criminal enterprises; and

WHEREAS, the presence of telecommunication devices in penal institutions is a threat to the well-being of both the victims of crime and the general public at large; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-16-201]

SECTION 1. Tennessee Code Annotated, Section 39-16-201(b)(2), is amended by adding the following new subdivision:

(C) Any telecommunication device.

[39-16-201]

SECTION 2. Tennessee Code Annotated, Section 39-16-201(c), is amended by adding the following new subdivision:

(3) A violation of subdivision (b)(2)(C) is a Class E felony. A first violation is punishable only by fine. A second or subsequent violation is punishable only by a fine of three thousand dollars (\$3,000).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 237

HOUSE BILL NO. 1517

By Representative Doggett

Substituted for: Senate Bill No. 1330

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Section 57-3-106 and Section 57-4-103, relative to alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-106]

SECTION 1. Tennessee Code Annotated, Section 57-3-1060, is amended by deleting the language “nor more than four hundred seventy (470)” and substituting instead the language “nor more than seven hundred eighty-five (785)”.

[57-4-103]

SECTION 2. Tennessee Code Annotated, Section 57-4-103(a)(8), is amended by deleting the language “nor more than four hundred seventy (470)” and substituting instead the language “nor more than seven hundred eighty-five (785)”.

[Effective date 4/22/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 238**SENATE BILL NO. 22**

**By Kyle, Gardenhire, Briggs, Akbari, Campbell, Gilmore, Rose,
Yarbro**

Substituted for: House Bill No. 1114

By Leatherwood, Cooper, Littleton, Camper, Lynn

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 49 and Title 71, relative to child care services for state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 8, ch. 50, part 13; 8-50-1301]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, is amended by adding the following as a new part:

(a) A state agency may contract with a provider of child care services to offer child care services as an option for the agency's officers and employees. If a state agency offers child care services, then the child care provider must be licensed by the department of human services under title 71, chapter 3, part 5. Primary emphasis for child care services must be given to children who are not subject to compulsory school attendance pursuant to § 49-6-3001.

(b) Child care programs may be located in state-owned office buildings, educational facilities and institutions, and, with the consent of the speaker of the senate and the speaker of the house of representatives, in buildings and spaces used for legislative activities. The state may provide the space to a sponsoring agency, if it is available.

(c) The provider of proposed child care services must be selected by competitive contract. Requests for proposals must be developed with the assistance of the sponsoring state agency, and are subject to the approval of the sponsoring state agency and the department of human services. The department of general services shall coordinate with the sponsoring state agency and the department of human services to determine the total cost of the build out for each individual project. Once a cost is determined, the department of general services, in coordination with the sponsoring state agency, shall procure the child care services from a qualifying vendor, using the policy, procedures, and rules from the central procurement office. The vendor that is awarded the contract shall cover all costs of the build out under the contract.

(d) An operator selected to provide services must comply with all state and local standards for the licensure and operation of child care facilities, maintain adequate liability insurance coverage, and assume financial and legal responsibility for the operation of the program.

PUBLIC CHAPTER NO. 238 (cont'd)

Neither the operator nor any personnel employed by or at a child care facility are employees of the state.

(e) A state agency may enter into a partnership with local municipalities to jointly provide child care services to state and municipal employees.

(f) This part does not apply to an institution of higher education that provides or establishes child care services through the institution of higher education.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 239**SENATE BILL NO. 41****By Roberts, Crowe, Powers**

Substituted for: House Bill No. 271

By Ragan, Crawford

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 4, Chapter 55, relative to the bureau of ethics and campaign finance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (15).

[4-29-248; 4-55-101]

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by inserting the following as a new subdivision:

() Bureau of ethics and campaign finance, created by § 4-55-101;

[Effective date 4/28/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 240**SENATE BILL NO. 112****By Gardenhire**

Substituted for: House Bill No. 331

By Helton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 3, relative to liens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

[55-3-114]

SECTION 1. Tennessee Code Annotated, Section 55-3-114(c), is amended by deleting the following language:

The lienor shall then deliver the certificate of title to the owner within seven (7) business days from the owner's request, unless the certificate of title shall show on its face one (1) or more liens or encumbrances still outstanding, in which event the certificate of title shall be delivered to the next prior lienor, either in person or by registered mail, and the lienor shall within seventy-two (72) hours notify the department of the discharge of this lien by registered mail with return receipt demanded.

and substituting instead the following

If the certificate of title shows on its face one (1) or more liens or encumbrances still outstanding, then the lienor shall deliver the certificate of title to the next prior lienor, either in person or by registered mail. If there are no more liens or encumbrances still outstanding, then the lienor shall deliver the certificate of title to the owner within seven (7) business days from the discharge of the lien or encumbrance. On the date the lien is discharged, the lienor shall send notice of the discharge to the department by registered mail with return receipt demanded. If the department is not notified within seventy-two (72) hours from the date of discharge, then the lienor is subject to the penalty described in § 55-3-127(c).

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 241**SENATE BILL NO. 119****By Rose, Haile, Briggs, Growe, Massey, Pody**

Substituted for: House Bill No. 641

By Alexander, Faison, Lamberth, Leatherwood, Hulsey, Crawford, Windle,
Sherrell, Eldridge, Smith, Littleton, Clemmons, Curcio, Helton, Moody,
Terry, Todd, Powell, Keisling

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 2, relative to
lifetime sportsman licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[70-2-201]

SECTION 1. Tennessee Code Annotated, Section 70-2-201, is amended by
adding the following subsection:

(h)(1) There is created a lifetime sportsman license for adopted children who reside in this state, which entitles such child's legally designated guardian to apply for the license on the child's behalf within thirty-six (36) months immediately following the date of the child's adoption. The child must be under thirteen (13) years of age on the date of application for the license and upon receipt of the license is entitled to the same privileges and benefits as provided to an annual sportsman license holder. A lifetime sportsman license for adopted children remains valid throughout the life of the license holder even if the person becomes a nonresident. The child is to be issued the lifetime sportsman license upon payment of the fee created under subdivision (h)(2) and presentation of proof of age and residency, satisfactory to the agency. This subsection (h) does not prevent issuance of a lifetime sportsman license to an adopted child who meets the qualifications in subsection (g).

(2) The commission shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to create a one-time- only fee to cover the costs of implementing subdivision (h)(1)

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 242

SENATE BILL NO. 135

By Haile

Substituted for: House Bill No. 197

By Zachary

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to records requests.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

[10-7-503]

SECTION 1. Tennessee Code Annotated, Section 10-7-503(a)(7), is amended by adding the following new subdivision (C):

(i) If a person makes a request to view or copy a public record with the intent to disrupt government operations, the records custodian charged with fulfilling the request may petition a court of record of competent jurisdiction for an order to enjoin the person from making records requests.

(ii) A records custodian shall not petition a court for injunctive relief unless the records custodian has notified the person making the requests in writing stating the specific conduct that may constitute intent to disrupt government operations in violation of this subdivision (a)(7)(C) and the person has continued to engage in such conduct after the notification. The records custodian shall provide such notification after the fifth request by the person made with intent to disrupt government operations.

(iii) After a petition is filed and while the case is pending, the records custodian shall continue to comply with this part, but if the records custodian prevails, the person making the requests shall reimburse the records custodian for the labor costs incurred by the records custodian in producing the records during the pendency of the case.

(iv) A court may, upon finding by clear and convincing evidence that a records request was made with intent to disrupt government operations, enjoin the person who made the request from making a public records request for a period of up to one (1) year; provided, that the person, while subject to the injunction, may petition the same court for permission to make a public records request and the court may approve the petition if the petitioner shows that the public records request is not made with intent to disrupt government operations.

(v) A records custodian who petitions a court for an injunction pursuant to this subdivision (a)(7)(C) shall provide a written report to the office of open records counsel that includes a copy

PUBLIC CHAPTER NO. 242 (cont'd)

of the petition and any injunction or orders issued by the court. The report must be filed no later than three (3) months after the petition is filed. If a final order has not been issued within three (3) months of the petition's filing, the records custodian shall provide the final order to the office of open records counsel as soon as reasonably possible after the final order is issued. The office of open records counsel shall include a summary of the reports received as part of the office's annual report required by § 8-4-603(b) and provide the summary to the advisory committee on open government.

(vi) This subdivision (a)(7)(C) is repealed July 1, 2025.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 243

SENATE BILL NO. 139

By Massey, Bowling

Substituted for: House Bill No. 127

By Hall, Jernigan, Clemmons, Hodges, Powell, Todd

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 54; Title 55; Title 65 and Title 67, relative to transportation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-8-118]

SECTION 1. Tennessee Code Annotated, Section 55-8-118(d)(1), is amended by adding the language “, or recovery vehicles, as defined in § 55-8-132(d), when responding to an emergency call received from a law enforcement agency” immediately after the language “Except for authorized emergency vehicles”.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 244**SENATE BILL NO. 151****By Briggs**

Substituted for: House Bill No. 360

By Hawk, Whitson, Smith, Clemmons, Tim Hicks

AN ACT to amend Tennessee Code Annotated, Title 8; Title 56; Title 63; Title 68 and Title 71, relative to coverage for mental health, alcoholism, or drug dependency services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-7-2360]

SECTION 1. Tennessee Code Annotated, Section 56-7-2360, is amended by deleting the section and substituting:

(a)(1) As used in this section:

(A) "Aggregate lifetime limit" means a dollar limitation on the total amount that may be paid for benefits under a health plan with respect to an individual or other coverage unit;

(B) "Annual limit" means a dollar limitation on the total amount that may be paid for benefits in a twelve-month period under a health plan with respect to an individual or other coverage unit;

(C) "Classification of benefits" means:

(i) Inpatient in-network benefits, inpatient out-of-network benefits, outpatient in-network benefits, outpatient out-of-network benefits, prescription drug benefits, and emergency care benefits; and

(ii) The only classifications that may be used, except that there may be sub-classifications within both outpatient classifications differentiating office visits from other outpatient items and services, including outpatient surgery, facility charges for day treatment centers, laboratory charges, and other medical items;

(D) "Financial requirement" includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit;

(E) "Health benefit plan" means a hospital or medical expense policy, health, hospital, or medical service corporation contract, a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer, other plans administered by the state government, or a certificate issued under the policies, contracts, or plans;

(F) "Health insurance carrier" means an entity subject to this title, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts with healthcare providers in connection with a plan of health insurance, health benefits, or health services;

PUBLIC CHAPTER NO. 244 (cont'd)

(G) "Mental health or alcoholism or drug dependency benefits" means benefits for the treatment of a condition or disorder that involves a mental health condition or substance use disorder that:

(i) Falls under the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Disease; or

(ii) Is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders;

(H) "Non-quantitative treatment limitations" or "NQTLs":

(i) Means limitations that are not expressed numerically, but otherwise limit the scope or duration of benefits for treatment. For purposes of this subdivision (a)(1)(H), fail-first or step therapy protocols do not include formulary designs that require the prescription, use, and a showing of ineffectiveness of generic drugs prior to approval of payment for the prescription of higher cost drugs; and

(ii) Include:

(a) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(b) Formulary design for prescription drugs;

(c) Tier design for plans with multiple network tiers, including preferred providers and participating providers, and network tier design;

(d) Standards for provider admission to participate in a network, including reimbursement rates;

(e) Plan methods for determining usual, customary, and reasonable charges;

(f) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective, that are also known as fail-first policies or step therapy protocols;

(g) Exclusions based on failure to complete a course of treatment;

(h) Restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the plan or coverage;

(i) In-and out-of-network geographic limitations;

(j) Standards for providing access to out-of-network providers;

(k) Limitations on inpatient services for situations where the participant is a threat to self or others;

(l) Exclusions for court-ordered and involuntary holds;

(m) Experimental treatment limitations;

(n) Service coding; and

PUBLIC CHAPTER NO. 244 (cont'd)

(o) Exclusions for services provided by clinical social workers;

(I) "Predominant" means application to more than one-half (1/2) of such type of limit or requirement;

(J) "Substantially all" means application to at least two-thirds (2/3) of all medical or surgical benefits in a classification; and

(K) "Treatment limitation" includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

(2) In addition to any other requirement of law concerning coverage of mental health or mental illness benefits or alcoholism or drug dependency benefits, including, but not limited to, §§ 56-7-2601 and 56-7-2602, an individual or group health benefit plan issued by a health insurance carrier regulated pursuant to this title shall provide coverage for mental health or alcoholism or drug dependency services in compliance with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (42 U.S.C. § 300gg-26) and 45 CFR § 146.136 and 45 CFR § 147.160.

(b) Subsection (a) does not prohibit an employee health benefit plan, or a plan issuer offering an individual or group health plan from utilizing managed care practices for the delivery of benefits required under this section, as long as that for an utilization review or benefit determination for the treatment of alcoholism or drug dependence the clinical review criteria is the most recent Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions established by the American Society of Addiction Medicine or other evidence-based clinical guidelines, such as those referenced by the federal substance abuse and mental health services administration (SAMHSA). Additional criteria, other than in this subsection (b), must not be used during utilization review or benefit determination for treatment of substance use disorders.

(c) The mandate to provide coverage for mental health services does not apply with respect to a group health plan if the application of the mandate to the plan results in an increase in the cost under the plan of more than one percent (1%). Documentation of the increase in cost must be filed with the department after twelve (12) months of experience. If the commissioner determines that the increase in cost is a result of the requirements of this section, then the commissioner or the commissioner's designee shall issue a letter to the issuer of the plan stating that the plan does not have to comply with the mandate set out in this section. The issuer may appeal the letter as final agency action pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) The department of commerce and insurance shall implement and enforce applicable provisions of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, this section, and §§ 56-7-2601 and 56-7-2602, that include:

PUBLIC CHAPTER NO. 244 (cont'd)

(1) Ensuring compliance by individual and group health benefit plans;

(2) Detecting possible violations of the law by individual and group health benefit plans;

(3) Accepting, evaluating, and responding to complaints regarding such violations; and

(4) Maintaining and regularly reviewing for possible parity violations a publicly available consumer complaint log regarding mental health or alcoholism or drug dependency coverage as long as individually identifiable information is excluded.

(e) Not later than January 31, 2022, and each year thereafter, the department shall issue a report to the general assembly and provide an educational presentation to the general assembly. The department shall request from the United States department of labor and the United States department of health and human services copies of the NQTL analyses submitted to the departments the previous year in compliance with the federal Consolidated Appropriations Act of 2021 (Pub.L. 116-260) and incorporate these analyses into the report. The report and presentation must:

(1) List health plans sold in this state and over which of these plans the department has jurisdiction;

(2) Discuss the methodology the department is using to check for compliance with the MHPAEA, and any federal regulations or guidance relating to the compliance and oversight of the MHPAEA, including 45 CFR 146.136;

(3) Discuss the methodology the department uses to check for compliance with this section and §§ 56-7-2601 and 56-7-2602;

(4) Identify market conduct examinations and full scope examinations conducted or completed during the preceding twelve-month period and summarize the results of the examinations. Individually identifiable information must be excluded from the reports consistent with federal privacy protections, including, but not limited to, 42 U.S.C. § 290dd-2 and regulations found at 42 CFR § 2.1 through 42 CFR § 2.67. This discussion must include:

(A) The number of full scope examinations and market conduct examinations initiated and completed;

(B) The benefit classifications examined by each market conduct examination and full scope examination;

(C) The subject matter of each market conduct examination, including quantitative and non-quantitative treatment limitations;

(D) A summary of the basis for the final decision rendered in each market conduct examination; and

(E) Any examination regarding compliance with parity in mental health or alcoholism or drug dependency benefits under state and federal laws;

PUBLIC CHAPTER NO. 244 (cont'd)

(5) Detail educational or corrective actions the department of commerce and insurance has taken to ensure health benefit plan compliance with this section, the MHPAEA, 42 U.S.C. § 18031(j), and §§ 56-7-2601 and 56-7-2602;

(6) Detail the department's educational approaches relating to informing the public about mental health or alcoholism or drug dependence parity protections under state and federal law; and

(7) Describe how the department examines any provider or consumer complaints related to denials or restrictions for possible violations of this section, the MHPAEA, 42 U.S.C. § 18031(j), and §§ 56-7-2601 and 56-7-2602, including complaints regarding, but not limited to:

(A) Denials of claims for residential treatment or other inpatient treatment on the grounds that such a level of care is not medically necessary;

(B) Claims for residential treatment or other inpatient treatment that were approved but for a fewer number of days than requested;

(C) Denials of requests, authorizations, pre-authorizations, prior authorizations, concurrent reviews, or claims for residential treatment or other inpatient treatment because the beneficiary had not first attempted outpatient treatment, medication, or a combination of outpatient treatment and medication;

(D) Denials of claims for medications such as buprenorphine or naltrexone on the grounds that they are not medically necessary;

(E) Step therapy requirements imposed before buprenorphine or naltrexone are approved;

(F) Prior authorization requirements imposed on claims for buprenorphine or naltrexone, including those imposed because of safety risks associated with buprenorphine; and

(G) Denial of in-network authorization or denials of out-of-network services or claims where there is not an in-network provider within seventy-five (75) miles of the insured patient's home.

(f) The report issued pursuant to subsection (e) must be written in non-technical, readily understandable language and be made available to the public by posting the report on the department's website and by other means as the department finds appropriate. The name and identity of the health insurance carrier must be given confidential treatment, may not be made public by the commissioner or another person, and are not subject to public inspection pursuant to § 10-7-503.

(g) Benefits under this section shall not be denied for care for confinement provided in a hospital owned or operated by this state that is especially intended for use in the diagnosis, care, and treatment of psychiatric, mental, or nervous disorders.

PUBLIC CHAPTER NO. 244 (cont'd)

(h) This section does not apply to accident-only, specified disease, hospital indemnity, medicare supplement, long-term care, or other limited benefit hospital insurance policies.

(i) The commissioner is authorized to promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(j) This section does not require the disclosure of information that would violate 42 U.S.C. § 290dd-2 and regulations found at 42 CFR § 2.1 through 42 CFR § 2.67.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to plans entered into, issued, renewed, or amended on or after the effective date of this act.

PUBLIC CHAPTER NO. 245**SENATE BILL NO. 163****By Pody, White, Rose**

Substituted for: House Bill No. 167

By Moody, Cochran, Freeman, Helton

AN ACT to amend Tennessee Code Annotated, Title 10 and Title 24, Chapter 1, relative to privileged communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[24-1-204]

SECTION 1. Tennessee Code Annotated, Section 24-1-204, is amended by deleting subdivisions (a)(1) and (2) and substituting:

(1) "Crisis intervention" means a session at which crisis response services are rendered by a critical incident stress management team member or leader prior to, during, or after a crisis or disaster;

(2) "Crisis response services" means consultation, risk assessment, prevention interventions, referral, and crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 246**SENATE BILL NO. 214****By Massey, White, Rose**

Substituted for: House Bill No. 342

By Littleton, Moody, Gillespie, Rudder, Eldridge, Carter, Curcio, Garrett,
Cepicky, Mannis, Lamberth, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5,
relative to prostitution offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-513]

SECTION 1. Tennessee Code Annotated, Section 39-13-513, is amended
by deleting subdivision (d) and substituting instead the following:

(d) Notwithstanding any provision of this section to the contrary, if it is determined after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person is immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the Tennessee human trafficking resource center hotline, notify the department of children's services, and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or legal guardian.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 247**SENATE BILL NO. 268**

**By Yager, Akbari, Bailey, Bell, Bowling, Briggs, Campbell, Crowe,
Gardenhire, Gilmore, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle,
Lundberg, Massey, Niceley, Pody, Powers, Reeves,**

**Roberts, Robinson, Rose, Southerland, Stevens, Walley,
Watson, White, Yarbrow, Mr. Speaker McNally**

Substituted for: House Bill No. 346

By Calfee, Russell, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 3,
relative to military veterans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[55-50-354]

SECTION 1. Tennessee Code Annotated, Section 55-50-354(b), is amended
by adding the following as a new subdivision:

(4) The applicant's official NAVPERS-660 form, showing proof
of honorable discharge.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 248**SENATE BILL NO. 290****By Gardenhire, Watson**

Substituted for: House Bill No. 1363

By Carter, Cepicky

AN ACT to amend Tennessee Code Annotated, Title 9 and Title 49, relative to education

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-3-323]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following language as a new section:

(a) For the purpose of a state salary increase for public school teachers proposed in the state budget document or included in the general appropriations bill, the term “teacher” means an individual who holds a license to teach issued by the state board of education and who spends fifty percent (50%) or more of the individual’s time on the job instructing students in class, or through other instructional methods such as online instruction. The term “teacher” does not include licensed individuals, including licensed support personnel, administrators, or supervisors, if the licensed individual spends less than fifty percent (50%) of the individual’s time on the job instructing students.

(b) If a state salary increase is proposed in the state budget document or included in the general appropriations bill for teachers and other licensed or certified personnel or staff, then the state budget document and the general appropriations bill must account for the salary increase for teachers separate from the salary increase for other licensed or certified personnel or staff.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 249**SENATE BILL NO. 311****By Powers**

Substituted for: House Bill No. 404

By Carringer

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 1, Part 1; Title 10, Chapter 3 and Title 10, Chapter 5, Part 1, relative to libraries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-1-103]

SECTION 1. Tennessee Code Annotated, Section 10-1-103, is amended by deleting the section and substituting instead the following:

The state library system consists of the existing state library, archives, the regional library system, the regional library for accessible books and media, library extension properties and services, and such other properties and services as may from time to time be assigned to the division of public libraries and archives, excluding the law library of this state, which functions under the direction of the supreme court.

[10-1-109]

SECTION 2. Tennessee Code Annotated, Section 10-1-109, is amended by deleting the section and substituting instead the following:

(a) The secretary of state may accept and administer funds or materials made available for library, archival, and historical purposes from public or private sources either by grant, bequest, donation, or otherwise, and this may include any available grants from the federal government or cooperation with the federal government in the advancement of library activities when agreements to that effect are approved.

(b) The secretary of state, acting through the state librarian and archivist and the division of public libraries and archives, may accept donations and bequests on behalf of the state library system.

(c) The secretary of state, acting through the division of public libraries and archives, may lease real estate as may be necessary for library purposes. Any lease must be between the state of Tennessee and the lessor and must contain a clause that its continuance is subject to necessary allotments from the secretary of state and the availability of other funds.

[10-3-103]

SECTION 3. Tennessee Code Annotated, Section 10-3-103, is amended by deleting the section and substituting instead the following:

PUBLIC CHAPTER NO. 249 (cont'd)

(a)(1) Except as provided in subdivision (a)(2), where a county legislative body or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties or cities for the joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of seven (7), nine (9), or eleven (11) members. Not more than one (1) official each of the county and of the city governing bodies may serve on the board. The members shall serve without salary, at least three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. If the board expands to more than seven (7) members as provided in this subdivision (a)(1), the additional members are appointed by the county and city legislative bodies to terms of one (1), two (2), or three (3) years. All successors shall serve for terms of three (3) years. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

(2) In counties or cities having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, in which the mayor has assumed the powers of the library board as provided in subsection (c), the terms of advisory board members must be established as provided in subdivision (a)(1) with the exception that board members may serve as many consecutive terms as stated in their bylaws.

(b) If a county legislative body, city governing body, or a county having a charter form of government elects to participate in the joint operation of a public library maintained by the county and one (1) or more cities within the county, the library board responsible for administering the library must be appointed by one (1) of the following methods:

(1) Except as provided in subdivisions (b)(2) and (3), a library board of seven (7), nine (9), or eleven (11) members may be appointed by the county legislative body and city governing bodies that are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in those areas of the county that lie outside the cities, based on the most recent federal census; provided, that each governmental body shall appoint at least one (1) member. Terms of office, qualifications of members, and powers and duties of the board must comply with §§ 10-3-101 -10-3-108. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service;

(2) In accordance with a contract as provided in § 5-1-113, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service; or

(3) In accordance with a private act, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

PUBLIC CHAPTER NO. 249 (cont'd)

(c) A county or city having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, may by a two-thirds (2/3) majority vote of its legislative body vest supervisory authority over the public library system with the mayor. The mayor in the county or city shall exercise all powers which would otherwise be exercised by the library board pursuant to § 10-3-104. A library board must be retained in the county or city in accordance with this section but shall serve in an advisory capacity to the county or city mayor, as applicable.

[10-5-101]

SECTION 4. Tennessee Code Annotated, Section 10-5-101, is amended by deleting the section and substituting instead the following:

(a) The regional library system is composed of such regional offices as the secretary of state may establish, each office providing support and assistance to the public libraries in the counties assigned to it under the direction of the state librarian and archivist. The secretary of state may establish criteria for joining and for continuing participation in the regional library system. Local public libraries meeting such criteria may join or leave the regional library system by vote of the county commission or city governing body.

(b) A city in a county not participating in a region may, with approval by the secretary of state, join the state regional library system as related to state purchasing contracts. The secretary of state shall assess fees against participating cities for any additional cost of services under the state contracts. Counties and municipalities may appropriate funds for this purpose.

[10-5-102; 10-5-103; 10-5-104; 10-5-105; 10-5-106]

SECTION 5. Tennessee Code Annotated, Sections 10-5-102 - 10-5-106, are amended by deleting the sections in their entireties.

[Effective date 7/1/2022]

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 250

SENATE BILL NO. 353

By Gardenhire, White

Substituted for: House Bill No. 472

By White, Hardaway, Towns, Smith, Helton

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 49, Chapter 13, relative to public charter schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-13-119]

SECTION 1. Tennessee Code Annotated, Section 49-13-119, is amended by deleting the section and substituting instead the following:

Teachers, as defined in § 8-34-101, and other full-time permanent employees of a public charter school, including a public charter school authorized by the achievement school district or the commission, are eligible to participate in the group insurance plans selected by the governing body of the public charter school. Public charter schools, including public charter schools authorized by the achievement school district or the commission, are entitled to participate in the state group insurance plans selected by the governing body of the public charter school in accordance with § 8-27-303.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 251

SENATE BILL NO. 405

By Walley

Substituted for: House Bill No. 531

By Helton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37, relative to retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-36-203]

SECTION 1. Tennessee Code Annotated, Section 8-36-203(3), is amended by deleting the language in the first sentence and substituting instead the following:

Distribution of a member's benefit must begin by the required beginning date, which is April 1 of the calendar year following the calendar year in which the member attains age seventy and one-half (70 1/2) or age seventy-two (72) if the member was born on or after July 1, 1949, as such age is extended or otherwise modified by the Internal Revenue Code or the regulations promulgated thereunder, or April 1 of the calendar year following the calendar year in which the member terminates, whichever is later.

[8-36-903]

SECTION 2. Tennessee Code Annotated, Section 8-36-903(c)(3), is amended by deleting the last sentence and substituting instead the following:

A person serving as a state judge, district attorney general, or member of the general assembly on June 30, 2016, and who is not a participant in the hybrid plan or who has not otherwise maintained membership in the retirement system based on previous service as a state employee or teacher, shall, by no later than October 31, 2016, file an irrevocable election to become or not to become a participant in the hybrid plan.

[8-36-922]

SECTION 3. Tennessee Code Annotated, Section 8-36-922(d)(1), is amended by deleting the last sentence and substituting instead the following:

With respect to political subdivision employees, "maximum unfunded liability" means an unfunded liability of no greater than the amount as determined by the employees' respective employer as shall be set forth in the political subdivision's participation resolution, but in no event shall the maximum unfunded liability be greater than twenty percent (20%) of the political subdivision's total pension liability:

PUBLIC CHAPTER NO. 251 (cont'd)**[8-37-210]**

SECTION 4. Tennessee Code Annotated, Section 8-37-210(c), is amended by deleting the first sentence and substituting instead the following:

Distribution of a member's benefit must begin by the required beginning date, which is April 1 of the calendar year following the calendar year in which the member attains age seventy and one-half (70 1/2) or age seventy-two (72) if the member was born on or after July 1, 1949, as such age is extended or otherwise modified by the Internal Revenue Code or the regulations promulgated thereunder, or April 1 of the calendar year following the calendar year in which the member terminates, whichever is later.

[8-37-214]

SECTION 5. Tennessee Code Annotated, Section 8-37-214, is amended by adding the following as a new, appropriately designated subsection:

() A retired member may establish prior service within thirty (30) days after the member's date of retirement and have the member's existing benefit adjusted to reflect that member's newly established prior service as of the date of retirement. A retired member who establishes prior service more than thirty (30) days after the member's date of retirement must receive from the retirement system a second benefit, calculated using the date the service was established as the date of retirement for the second benefit.

[8-37-220]

SECTION 6. Tennessee Code Annotated, Section 8-37-220(a), is amended by deleting the first sentence and substituting instead the following:

Subject to the conditions set forth in this section, the board of trustees may promulgate substantive and procedural rules to permit members, including retired members, to establish the retirement credit authorized in chapters 34-37 of this title through equal monthly installments over a period not to exceed five (5) years from the date the first monthly installment payment is due and payable, or the length of service being established, whichever is shorter.

[Effective date 4/28/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 252**SENATE BILL NO. 447****By Bell, Jackson, Rose, Yager**

Substituted for: House Bill No. 1231

By Littleton, Sherrell, Hardaway, Moody, Smith, Whitson, Jernigan, Eldridge

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, relative to juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-1-116]**SECTION 1.** Tennessee Code Annotated, Section 37-1-116(j), is amended by adding the following new subdivision:

(5) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles; a youth development center; or other hardware secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the security breach to the department of children's services and the chief law enforcement officer of the county in which the facility is located. The report must include the facts of the security breach, the time when the breach occurred, and the circumstances under which the breach occurred, together with the particular description of any person involved in the breach, including the person's age, size, complexion, race, and color of hair and eyes. As used in this subdivision (j)(5), "security breach" means entry into a secure detention or correctional facility, youth development center, or other hardware secure facility that contracts with the department by an adult or child who is not authorized to do so. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

[37-1-116]**SECTION 2.** Tennessee Code Annotated, Section 37-1-116(j)(4), is amended by deleting the subdivision and substituting:

(4) Upon an escape by a juvenile who is alleged or adjudicated to be delinquent by virtue of an act which is a felony if committed by an adult and who is confined to a secure detention or correctional facility designated, operated, or approved by the court, a youth development center, or other hardware secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the escape to the department of children's services and chief law enforcement officer of the county in which the facility is located. The

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report must include the facts of the escape, the time when the escape occurred and the circumstances under which the escape occurred, together with the particular description of the escapee, the escapee's age, size, complexion, race, color of hair and eyes, and from what county the escapee was committed, for what offense, and when the offense occurred. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j) (4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

[37-5-105]

SECTION 3. Tennessee Code Annotated, Section 37-5-105(4), is amended by adding the following new subdivision:

(C) The annual report must contain information about any escape, attempted escape, security breach, as defined in § 37-1-116(j) (5), or attempted security breach that has occurred in the previous calendar year at a secure detention or correctional facility designated, operated, or approved by a juvenile court for confinement of juveniles. The information must include the facts of the escape, security breach, or attempt, the time when the escape, breach, or attempt occurred, and the circumstances under which the escape, breach, or attempt occurred.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 253**SENATE BILL NO. 475****By Powers**

Substituted for: House Bill No. 347

By Curtis Johnson, Griffey, Hardaway, Moody, Whitson, Doggett, Cepicky,
Ragan

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 38 and Title 39, relative to confidential information of law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504(f)(1), is amended by deleting the language “or of any law enforcement officer commissioned pursuant to § 49-7-118” and substituting instead “of any law enforcement officer commissioned pursuant to S 49-7-118, or of any federal law enforcement agent or officer conducting an operation in this state”.

[10-7-504]

SECTION 2. Tennessee Code Annotated, Section 10-7-504(f), is amended by adding the following as a new subdivision:

() The language in subdivision (f)(1) regarding information of federal law enforcement agents or officers conducting an operation in this state added by SECTION 1 of this act is repealed effective July 1, 2026.

[Effective date 4/28/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 254

SENATE BILL NO. 505

By Lundberg

Substituted for: House Bill No. 699

By Campbell, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 15, relative to general sessions courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

[16-15-5002]

SECTION 1. Tennessee Code Annotated, Section 16-15-5002(c), is amended by deleting the subsection and substituting:

(c) Notwithstanding this section to the contrary, a judge of the general sessions court in any county with a population of not less than eighteen thousand two hundred (18,200) nor more than eighteen thousand four hundred (18,400), according to the 2010 federal census or any subsequent federal census, upon adoption of a resolution by a two-thirds (2/3) majority vote of the county legislative body, shall devote full time to the duties of such office and shall be prohibited from the practice of law or any other employment which conflicts with the performance of their duties as judge.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 255**SENATE BILL NO. 509****By Lundberg**

Substituted for: House Bill No. 1371

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 16 and Title 36, Chapter 3, Part 3, relative to marriage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[36-3-301]

SECTION 1. Tennessee Code Annotated, Section 36-3-301(a), is amended by deleting the language “and the mayor of any municipality in this state” and substituting “notaries public, and the mayor of any municipality in this state”.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 256**SENATE BILL NO. 534****By Haile**

Substituted for: House Bill No. 652

By Hazlewood

AN ACT to amend Tennessee Code Annotated, Section 4-3-305; Title 7; Title 9 and Title 68, relative to public finance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-3-305]

SECTION 1. Tennessee Code Annotated, Section 4-3-305(b), is amended by deleting the language "The comptroller of the treasury or the comptroller's designee shall, when a general act for county budgeting, or a county fiscal control act, is enacted, have authority to:" and substituting instead the language "The comptroller of the treasury or the comptroller's designee shall, when a general or private act for county budgeting, or a county fiscal control act, is enacted, have authority to:".

[4-3-305]

SECTION 2. Tennessee Code Annotated, Section 4-3-305(b), is amended by deleting subdivision (1) and substituting instead the following:

- (1) Prescribe forms and procedures and provide guidance manuals for the preparation of annual budgets in the several counties and in the other local governments;

[4-3-305]

SECTION 3. Tennessee Code Annotated, Section 4-3-305(b)(6), is amended by deleting the subdivision and substituting instead the following:

- (6) With approval of the state funding board, provide guidance manuals with respect to the issuance of county and municipal notes and bonds, the refunding and retirement of county and municipal debts, and the handling of county or municipal defaults; and

[7-82-501]

SECTION 4. Tennessee Code Annotated, Section 7-82-501(e), is amended by deleting the subsection and substituting instead the following:

- (e) Prior to the beginning of the fiscal year, all utility districts, whether created pursuant to this chapter or any public or private act by the general assembly, shall adopt balanced annual operating budgets that identify all anticipated revenues of the district by source and identify all anticipated expenses by type of expense. Such budgets must be based upon historical operating results and reasonably anticipated

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future operations. The budgets as adopted must be submitted to the comptroller of the treasury or the comptroller's designee for approval. The comptroller of the treasury shall provide guidance to the form of the budget, including supplemental schedules, as necessary, to demonstrate utility districts have adequate cash to meet its current obligations, including principal and interest, as applicable. If a proper budget is either not approved by the comptroller of the treasury or the comptroller's designee or not submitted to the comptroller of the treasury or the comptroller's designee when required under this part within two (2) months of the beginning of the fiscal year, then debt or financing obligations shall not be issued by the district until the comptroller of the treasury or the comptroller's designee has approved the budget. In the case of an emergency, the comptroller of the treasury or the comptroller's designee, may waive the requirement of budget approval in order to allow the district to enter into emergency financial transactions.

[9-21-403]

SECTION 5. Tennessee Code Annotated, Section 9-21-403(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) In order for the current available funding of a local government to be sufficient to meet current expenditures, an annual budget must be required of the local government by the comptroller of the treasury or the comptroller's designee. The annual budget must be on the same basis of accounting as required by generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee. The comptroller of the treasury shall provide guidance to the form of the budget, including supplemental schedules, as necessary, to demonstrate local governments have adequate cash to meet its current obligations, including principal and interest, as applicable.

[9-21-403]

SECTION 6. Tennessee Code Annotated, Section 9-21-403, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) After receiving the annual budget estimate, the governing body shall prepare an appropriation resolution or budget ordinance, consistent with its form of government, using the budget estimate as a basis, but appropriating such sums as the governing body may deem proper for current operating expenses, whether greater or less than the budget estimate set forth. However, an appropriation recommended by the budget estimate for interest on the indebtedness of the local government, for sinking funds, and for principal of debt maturing during the fiscal year shall not be reduced below scheduled requirements by the governing body. The taxes levied for such appropriation may be over and above all other taxes authorized or limited by law. Immediately

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after the passage of the appropriation resolution or budget ordinance, the governing body shall pass a resolution or ordinance levying upon all property subject to taxation, a tax rate sufficient to produce the sum necessary to balance the budget.

(c) The comptroller of the treasury or the comptroller's designee shall require any periodic information from a local government that has issued debt under this chapter or under prior authorizing statutes or is subject to the budget requirements of § 4-3-305 and make such audits as the comptroller of the treasury or the comptroller's designee may deem necessary, to the end that it may be ascertained that the budget is kept balanced during the life of the debt. The annual budget of each local government must be submitted to the comptroller of the treasury or the comptroller's designee immediately upon its adoption. The comptroller of the treasury or the comptroller's designee shall thereupon determine whether or not the budget will be in balance in accordance with this chapter. If the budget does not comply with this chapter, then the comptroller of the treasury or the comptroller's designee shall have the power and the authority to direct the governing body of the local government to adjust its estimates, to reduce expenditures, or to make additional tax levies sufficient to comply with this chapter. Any budget adopted by the governing body of a local government must be submitted for approval by the comptroller of the treasury or the comptroller's designee. The comptroller of the treasury or the comptroller's designee shall approve the budget only when the comptroller of the treasury or the comptroller's designee is satisfied that it complies with this chapter.

[9-21-404]

SECTION 7. Tennessee Code Annotated, Section 9-21-404, is amended by deleting the section and substituting instead the following:

If a budget is either not approved by the comptroller of the treasury or the comptroller's designee or not submitted to the comptroller of the treasury or the comptroller's designee when required under this part within two (2) months of the beginning of the fiscal year, then debt or financing obligations shall not be issued by the public entity until the comptroller of the treasury or the comptroller's designee has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury or the comptroller's designee. In the case of an emergency, the comptroller of the treasury or the comptroller's designee, may waive the requirement of budget approval in order to allow the public entity to enter into emergency financial transactions.

[68-221-611]

SECTION 8. Tennessee Code Annotated, Section 68-221-611, is amended by adding the following new subsections:

(k) All authorities, whether created pursuant to this chapter or any public or private act by the general assembly, shall not issue a bond

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or note authorized by this chapter until the resolution authorizing the issuance of bonds or notes, together with a statement as of the beginning of the then current fiscal year, which statement must show in detail the total outstanding bonds, notes, warrants, refunding bonds, and other evidences of indebtedness of the authority, together with the maturity dates of the bonds, notes, warrants, refunding bonds, and other evidences of indebtedness, interest rates, special provisions for payment, the project to be funded by the bonds or notes, the current operating financial statement of the authority and any other pertinent financial information, is submitted to the comptroller of the treasury or the comptroller's designee for review, and the comptroller of the treasury or the comptroller's designee shall report thereon to the authority within fifteen (15) days from the date the plan is received by the comptroller of the treasury or the comptroller's designee. The comptroller of the treasury or the comptroller's designee shall immediately acknowledge receipt in writing of the proposed bond or note issue statement and information. The report thus received by the authority must be published once in a newspaper of general circulation in the county of the principal office of the authority, and any other counties that it serves, during the week following the report's receipt. After receiving the report of the comptroller of the treasury or the comptroller's designee, and after publication of such report, or after the expiration of fifteen (15) days from the date the statement and information are received by the comptroller of the treasury or the comptroller's designee, whichever date is earlier, the authority may take such action with reference to the proposed bond or note issue as it deems advisable. Such report of the comptroller of the treasury or the comptroller's designee must also be made a part of the bond transcript.

(l) Any provision of this section related to the review or approval of any bond or note issued by the comptroller of the treasury or the comptroller's designee, or other state agency, does not apply when the bond or bonds or other evidence of indebtedness of the authority are to be purchased or the loan is to be made by the farmers home administration or any other direct lending department of the government of the United States.

(m) Prior to the beginning of the fiscal year, all authorities, whether created pursuant to this chapter or any public or private act by the general assembly, shall adopt balanced annual operating budgets that identify all anticipated revenues of the authority by source and identify all anticipated expenses by type of expense. Such budgets must be based upon historical operating results and reasonably anticipated future operations. The budgets as adopted must be submitted to the comptroller of the treasury or the comptroller's designee for approval. The comptroller of the treasury shall provide guidance to the form of the budget, including supplemental schedules, as necessary, to demonstrate authorities have adequate cash to meet current obligations, including principal and interest, as applicable. If a proper budget is either not approved by the comptroller of the treasury

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or the comptroller's designee or not submitted to the comptroller of the treasury or the comptroller's designee when required under this part within two (2) months of the beginning of the fiscal year, then debt or financing obligations shall not be issued by the authority until the comptroller of the treasury or the comptroller's designee has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury or the comptroller's designee. In the case of an emergency, the comptroller of the treasury or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

(n) If an authority proposes to sell bonds in excess of fifty million dollars (\$50,000,000) at a negotiated sale, a written request for proposal must be sent to a minimum of five (5) qualified firms no later than thirty (30) days prior to the first meeting of the board of commissioners to discuss the specific bond transaction. A minimum of three (3) proposals must be received no later than fourteen (14) days prior to such first meeting. This requirement applies to both financial advisory and underwriting services.

[68-221-1306]

SECTION 9. Tennessee Code Annotated, Section 68-221-1306(c), is amended by adding the following new subdivision:

(3) Prior to the beginning of the fiscal year, all authorities shall adopt balanced annual operating budgets that identify all anticipated revenues of the authority by source and identify all anticipated expenses by type of expense. Such budgets must be based upon historical operating results and reasonably anticipated future operations. The budgets as adopted must be submitted to the comptroller of the treasury or the comptroller's designee for approval. The comptroller of the treasury shall provide guidance to the form of the budget, including supplemental schedules, as necessary, to demonstrate authorities have adequate cash to meet current obligations, including principal and interest, as applicable. If a proper budget is either not approved by the comptroller of the treasury or the comptroller's designee or not submitted to the comptroller of the treasury or the comptroller's designee when required under this part within two (2) months of the beginning of the fiscal year, then debt or financing obligations shall not be issued by the authority until the comptroller of the treasury or the comptroller's designee has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury or the comptroller's designee. In the case of an emergency, the comptroller of the treasury or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

[68-221-1311]

SECTION 10. Tennessee Code Annotated, Section 68-221-1311, is amended by adding the following new subsections:

(k) A bond or note authorized by this chapter shall not be issued until the resolution authorizing the issuance of bonds or notes, together with a statement as of the beginning of the then current fiscal year, which statement must show in detail the total outstanding bonds, notes, warrants, refunding bonds, and other evidences of indebtedness of the authority, together with the maturity dates of the bonds, notes, warrants, refunding bonds, and other evidences of indebtedness, interest rates, special provisions for payment, the project to be funded by the bonds or notes, the current operating financial statement of the authority and any other pertinent financial information, is submitted to the comptroller of the treasury or the comptroller's designee for review, and the comptroller of the treasury or the comptroller's designee shall report thereon to the authority within fifteen (15) days from the date the plan is received by the comptroller of the treasury or the comptroller's designee. The comptroller of the treasury or the comptroller's designee shall immediately acknowledge receipt in writing of the proposed bond or note issue statement and information. The report thus received by the authority must be published once in a newspaper of general circulation in the county of the principal office of the authority, and any other counties that it serves, during the week following the report's receipt. After receiving the report of the comptroller of the treasury or the comptroller's designee, and after publication of such report, or after the expiration of fifteen (15) days from the date the statement and information are received by the comptroller of the treasury or the comptroller's designee, whichever date is earlier, the authority may take such action with reference to the proposed bond or note issue as it deems advisable. Such report of the comptroller of the treasury or the comptroller's designee must also be made a part of the bond transcript.

(l) Any provision of this section related to the review or approval of any bond or note issued by the comptroller of the treasury or the comptroller's designee, or other state agency, does not apply when the bond or bonds or other evidence of indebtedness of the authority are to be purchased or the loan is to be made by the farmers home administration or any other direct lending department of the government of the United States.

(m) If an authority proposes to sell bonds in excess of fifty million dollars (\$50,000,000) at a negotiated sale, a written request for proposal must be sent to a minimum of five (5) qualified firms no later than thirty (30) days prior to the first meeting of the board of commissioners to discuss the specific bond transaction. A minimum of three (3) proposals must be received no later than fourteen (14) days prior to such first meeting. This requirement applies to both financial advisory and underwriting services.

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[Effective date 4/28/2021]

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 257**SENATE BILL NO. 545****By White**

Substituted for: House Bill No. 663

By Carringer

AN ACT to amend Tennessee Code Annotated, Section 41-22-123, relative to TRICOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[41-22-123]

SECTION 1. Tennessee Code Annotated, Section 41-22-123(b), is amended by deleting the subsection and substituting instead the following:

(b) A profit and loss statement of TRICOR's operation must be prepared quarterly, within the month following the end of the quarter, and a copy of this statement, certified by the fiscal officer of TRICOR, must be sent to the commissioner of finance and administration.

[Effective date 4/28/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 258**SENATE BILL NO. 611****By Jackson**

Substituted for: House Bill No. 469

By Carringer

AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 29, relative to unclaimed property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[66-29-106]

SECTION 1. Tennessee Code Annotated, Section 66-29-106(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Except as otherwise provided in § 66-29-113, and except for property held in a governmental plan, as that term is defined in 26 U.S.C. § 414, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States, or property held in a Roth IRA, as that term is defined in 26 U.S.C. § 408A, is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the later of:

(1) The date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service, or, if the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States postal service; or

(2) The earlier of:

(A) The date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; provided, however, that for the purpose of determining a holder's reporting obligation pursuant to this section, Roth IRAs are treated like tax deferred retirement accounts; or

(B) If the Internal Revenue Code (26 U.S.C. § 1 et seq.) requires distribution, two (2) years after the date the holder in the ordinary course of its business receives confirmation of the death of the apparent owner.

[66-29-124]

SECTION 2. Tennessee Code Annotated, Section 66-29-124(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

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(4) Except for the report of a traveler's check, money order, or similar instrument, contain, if known or readily ascertainable, the name, last known address, date of birth, and social security number or taxpayer identification number of the apparent owner of property with a value of twenty-five dollars (\$25.00) or more;

[66-29-124]

SECTION 3. Tennessee Code Annotated, Section 66-29-124(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) A report under § 66-29-123 may include, in the aggregate, items valued at less than twenty-five dollars (\$25.00) per item. If the report includes items, in the aggregate, valued at less than twenty-five dollars (\$25.00) per item, the treasurer shall not require the holder to provide the name and address of an apparent owner of an item unless the information is necessary to verify or process a claim in progress by the apparent owner.

[66-29-152]

SECTION 4. Tennessee Code Annotated, Section 66-29-152(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) The treasurer may waive the requirement in subsection (a) to file a claim and pay or deliver property directly to any person if:

(1) The person receiving the property or payment is shown to be the same person as the apparent owner included on a report filed under § 66-29- 123; and

(2) The treasurer reasonably believes the person is entitled to receive the property or payment.

[Effective date 4/28/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 259**SENATE BILL NO. 615****By Bell, Jackson**

Substituted for: House Bill No. 180

By Hall, Ramsey, Smith, Powell, Harris, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 63 and Title 68, relative to mental health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-1-168]

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) For purposes of this section:

(1) "Facility" has the same meaning as defined in § 68-11-201;

(2) "Healthcare provider" means a person who is licensed, certified, or authorized or permitted by the laws of this state to administer health care in the ordinary course of business or practice of a profession; and

(3) "Qualified mental health professional" has the same meaning as defined in s 33-1-101.

(b) If a patient who is an inpatient in a licensed healthcare facility, or seeking services from an emergency department, expresses to a healthcare provider a recent threat or attempt at suicide or infliction of bodily harm to themselves, then the healthcare provider shall enter the attempt or threat into the patient's medical record. Upon discharge from the facility, the facility shall provide the patient with contact information to access a qualified mental health professional or counseling resource unless the patient is discharged to another facility. This referral requirement may be satisfied by providing contact information for this state's mobile crisis services or the statewide crisis hotline.

(c) A healthcare provider who violates this section is subject to discipline by the healthcare provider's licensing authority.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to facility admissions occurring on or after that date.

PUBLIC CHAPTER NO. 260**SENATE BILL NO. 618****By Bell**

Substituted for: House Bill No. 1463

By Cochran, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 56 and Title 63, relative to health insurance plans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-7-120]

SECTION 1. Tennessee Code Annotated, Section 56-7-120, is amended by adding the following as a new subsection:

(f) This section does not prohibit a policy of insurance from providing reimbursement to an insured for expenses the insured incurred when the insured remitted payment directly to a healthcare provider or healthcare facility for provided covered healthcare services.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to plans entered into, issued, amended, or renewed on or after that date.

PUBLIC CHAPTER NO. 261

SENATE BILL NO. 636

By Powers

Substituted for: House Bill No. 1342

By Ogles, Carringer

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-716]

SECTION 1. Tennessee Code Annotated, Section 49-5-716, is amended by designating the current language as subsection (a) and adding the following as a new subsection:

(b) For purposes of this section, a teacher's school or school district is not closed when teachers are required to work remotely and provide virtual instruction to students.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 262**SENATE BILL NO. 786****By Briggs**

Substituted for: House Bill No. 853

By Carr, Hardaway

AN ACT to amend Tennessee Code Annotated, Section 3-1-102 and Section 5-1-111, relative to district boundaries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

[5-1-111]

SECTION 1. Tennessee Code Annotated, Section 5-1-111(a), is amended by deleting the subsection and substituting instead the following:

(1) Except as provided in subdivision (a)(2), prior to January 1, 1982, and at least every ten (10) years thereafter, county legislative bodies of the different counties shall meet and, a majority of the members being present and concurring, shall change the boundaries of districts, or redistrict a county entirely if necessary, to apportion the county legislative body so that the members represent substantially equal populations.

(2) The January 1, 2022, deadline may be extended in the discretion of the comptroller of the treasury based on the United States census bureau delay in releasing the results of the 2020 federal census.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 263

SENATE BILL NO. 790

By Walley, Rose

Substituted for: House Bill No. 1144

By Grills, Todd, Tim Hicks, Lynn, Hurt

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7, Chapter 35; Title 65; Title 68 and Title 69, relative to water quality.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

[69-3-105]

SECTION 1. Tennessee Code Annotated, Section 69-3-105, is amended by deleting subsection (l) and substituting:

(1) The board shall promulgate rules creating a system of incentives for alternatives to discharges to surface waters, such as land application and beneficial reuse of the wastewater.

(2) For the purpose of this subsection (l), “system of incentives” includes regulatory flexibility recognizing increased environmental performance and enhanced water quality under specified permitted activities through permit conditions pursuant to duly promulgated rules.

[Effective date 4/28/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 264**SENATE BILL NO. 852****By Swann, Southerland, Niceley**

Substituted for: House Bill No. 918

By Carr, Farmer, Faison, Howell, Garringer, Todd

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 4 and Title 67, Chapter 4, relative to taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-4-101]

SECTION 1. Tennessee Code Annotated, Section 7-4-101(a)(10), is amended by deleting the subdivision and substituting:

(10) “Short-term rental unit marketplace” means a person or entity, excluding a vacation lodging service, that provides a platform for compensation, through which a third party offers to rent a short-term rental unit to an occupant;

[7-4-101]

SECTION 2. Tennessee Code Annotated, Section 7-4-101(a), is amended by adding the following as a new subdivision:

() “Vacation lodging service” means a person or entity that is engaged in the business of providing the services of management, marketing, booking, and rental of short-term rental units.

[67-4-1401]

SECTION 3. Tennessee Code Annotated, Section 67-4-1401(9), is amended by deleting the subdivision and substituting:

(9) “Short-term rental unit marketplace” means a person or entity, excluding a vacation lodging service, that provides a platform for compensation, through which a third party offers to rent a short-term rental unit to an occupant;

[67-4-1401]

SECTION 4. Tennessee Code Annotated, Section 67-4-1401, is amended by adding the following as a new subdivision:

() “Vacation lodging service” means a person or entity that is engaged in the business of providing the services of management, marketing, booking, and rental of short-term rental units.

[67-4-1501]

SECTION 5. Tennessee Code Annotated, Section 67-4-1501(6), is amended by deleting the subdivision and substituting:

PUBLIC CHAPTER NO. 264 (cont'd)

(6) "Short-term rental unit marketplace" means a person or entity, excluding a vacation lodging service, that provides a platform for compensation, through which a third party offers to rent a short-term rental unit to an occupant;

[67-4-1501]

SECTION 6. Tennessee Code Annotated, Section 67-4-1501, is amended by adding the following as a new subdivision:

() "Vacation lodging service" means a person or entity that is engaged in the business of providing the services of management, marketing, booking, and rental of short-term rental units.

[Effective date 4/30/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 265**SENATE BILL NO. 873****By Stevens**

Substituted for: House Bill No. 1199

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 28 and Title 29, Chapter 34, relative to asbestos-related liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[29-34-703]

SECTION 1. Tennessee Code Annotated, Section 29-34-703, is amended by deleting subsection (c), substituting the following, and redesignating the current subsection (d) as subsection (g):

(c) A plaintiff in an asbestos action, including an action alleging a nonmalignant condition or a malignant condition, filed on or after July 1, 2021, shall file, within thirty (30) days of filing any complaint, an information form attested by plaintiff stating the evidence that provides the basis for each claim against each defendant. The information form must include all of the following to the best of the plaintiffs ability:

(1) The name, address, date of birth, marital status, occupation, smoking history, current and past worksites, and current and past employers of the exposed person, and any person through which the exposed person alleges exposure;

(2) The plaintiffs relationship to the exposed person or the person through which the exposure is alleged;

(3) Each asbestos-containing product to which the person was exposed and each physical location at which the person was exposed to asbestos, or the other person was exposed if exposure was through another person;

(4) The specific location and manner of each exposure, including the specific location and manner of exposure for any person through which the exposed person alleges exposure, the beginning and ending dates of each exposure, the frequency of the exposure, and the identity of the manufacturer or seller of the specific asbestos product for each exposure;

(5) The specific asbestos-related disease claimed to exist; and

(6) Supporting documentation relating to subdivisions (c)(1)-(5) that is sufficient to establish the basis for each claim against each defendant.

(d) A plaintiff has a continuing duty to supplement the information that is required to be disclosed in this section.

PUBLIC CHAPTER NO. 265 (cont'd)

(e) The court, on motion by a defendant, shall dismiss a plaintiffs asbestos claim without prejudice as to any defendant whose product or premises is not identified in the required disclosures set forth in subsection (c).

(f) The court, on motion by a defendant, shall dismiss a plaintiffs asbestos claim without prejudice as to all defendants if the plaintiff fails to comply with the requirements of subsection (c).

[29-34-706]

SECTION 2. Tennessee Code Annotated, Section 29-34-706(d)(1), is amended by deleting the word “nonmalignant”.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to all asbestos actions filed on or after that date.

PUBLIC CHAPTER NO. 266**SENATE BILL NO. 886****By Stevens**

Substituted for: House Bill No. 1122

By Farmer, Griffey, Russell, Carr

AN ACT to amend Tennessee Code Annotated, Section 16-15-209, relative to travel reimbursement for special judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[16-15-209]

SECTION 1. Tennessee Code Annotated, Section 16-15-209, is amended by adding the following new subsection:

() A general sessions or juvenile judge selected to serve by interchange pursuant to subdivision (a)(1) in a court outside the judge's county of residence shall receive reimbursement for travel expenses from the county to which the judge travels to serve. Reimbursement shall be assessed in accordance with the standard mileage rate, maximum parking fee, maximum lodging credit, maximum meals, and incidentals credit set forth in the last published comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter. Travel expenses relative to mileage, parking, meals, and incidentals shall not exceed one hundred dollars (\$100) per day. A general sessions or juvenile judge entitled to reimbursement pursuant to this subsection must submit all travel expense claims to the appropriate county official responsible for processing travel reimbursement.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 267

SENATE BILL NO. 1004

By Massey, Yarbrow

Substituted for: House Bill No. 1082

By Carr

AN ACT to amend Tennessee Code Annotated, Section 57-4-102, relative to sports authority facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-4-102]

SECTION 1. Tennessee Code Annotated, Section 57-4-102(34)(E), is amended by deleting the language “public institution of higher education” and substituting instead “public or private institution of higher education”.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 268**SENATE BILL NO. 1132****By White, Massey, Reeves**

Substituted for: House Bill No. 1334

By Baum, Sherrell, White, Crawford, Moody, Smith, Clemmons, Powell,
Lamar, Freeman, Littleton, Carr, Helton, Love, Jernigan, Camper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 30;
Title 37; Title 39; Title 40; Title 49 and Section 71-1-135, relative to human
trafficking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[4-3-3003]

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 30, is
amended by adding the following as a new section:

(a) The advisory council shall develop a poster design that brings
awareness to human trafficking. The advisory council shall provide the
completed poster design to the department of tourism for placement
of the posters in each of Tennessee's welcome centers for the public to
view.

(b) The department shall place such number of posters in the
welcome centers as the department finds adequate to appropriately
bring awareness to human trafficking. The department shall consider
placing the posters on bathroom stall doors in the welcome centers.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 269

SENATE BILL NO. 1178

By Crowe

Substituted for: House Bill No. 1418

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Section 55-8-185, relative to operation of off-highway vehicles on certain highways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-8-185]

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following new subdivisions:

() State Route 173 (Simerly Creek Road) from its intersection with State Route 107 to its intersection with Old Iron Mountain Road within the jurisdiction of Unicoi County;

() State Route 107 from its intersection with State Route 173 (Simerly Creek Road) eastward to its intersection with Lower Stone Mountain Road, which is near Deer Haven Road, within the jurisdiction of Unicoi County;

() State Route 107 from its intersection with Cross Road to its intersection with Red Fork Road within the jurisdiction of Unicoi County;

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 270

SENATE BILL NO. 1199

By Southerland, Jackson, Rose, Walley, Powers, Stevens

Substituted for: House Bill No. 1384

By Todd, Crawford, Smith, Faison, Hardaway, Chism, Eldridge, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 2, relative to licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[70-2-107]

SECTION 1. Tennessee Code Annotated, Section 70-2-107, is amended by deleting the section and substituting the following:

(a)(1) Licenses and permits required under this and any other law relating to wildlife must be dated on the true date of issue. All annual sport licenses must be issued for the year beginning March 1 and ending the last day of February of the following year, both inclusive.

(2) Notwithstanding subdivision (a)(1), the fish and wildlife commission is authorized to promulgate rules to abolish license years and establish an annual license system.

(b) In addition to the annual licenses authorized by subsection (a), the agency is authorized to issue any hunting, fishing, or trapping license for periods exceeding one (1) year.

[70-2-201]

SECTION 2. Tennessee Code Annotated, Section 70-2-201, is amended by deleting subsections (a) and (b), and subdivisions (c)(2) and (g)(3)(A).

[70-2-205]

SECTION 3. Tennessee Code Annotated, Section 70-2-205(c), is amended by deleting the subsection.

[70-2-206]

SECTION 4. Tennessee Code Annotated, Section 70-2-206(c), is amended by deleting the subsection.

[70-2-208]

SECTION 5. Tennessee Code Annotated, Section 70-2-208(b), is amended by deleting the subsection.

[70-2-215]

SECTION 6. Tennessee Code Annotated, Section 70-2-215(b), is amended by deleting the subsection.

PUBLIC CHAPTER NO. 270 (cont'd)**[70-2-219]**

SECTION 7. Tennessee Code Annotated, Section 70-2-219(a), is amended by deleting the subsection.

[70-2-220]

SECTION 8. Tennessee Code Annotated, Section 70-2-220, is amended by deleting the section and substituting the following:

Any person, firm, or corporation, before engaging in the business of culturing pearls in the public waters, must first obtain an annual license from the wildlife resources agency. No nonresident may be granted a license if the state or country of the nonresident prohibits residents of Tennessee from engaging in the business of culturing pearls. The business must be conducted in accordance with rules promulgated by the fish and wildlife commission. The executive director shall appoint a committee of five (5) persons to assist the executive director in the initial drafting of the rules. Those persons include:

- (1) The executive director or the executive director's designee;
- (2) The chief of fisheries;
- (3) A fisheries biologist; and
- (4) Two (2) industry representatives in the initial drafting of the rules.

[70-2-221]

SECTION 9. Tennessee Code Annotated, Section 70-2-221(c), is amended by deleting the subsection.

[70-2-107; 70-2-201; 70-2-205; 70-2-206; 70-2-208; 70-2-215; 70-2-219; 70-220; 70-2-221]

SECTION 10. The fish and wildlife commission is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

[Effective date 7/1/2021]

SECTION 11. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 271

SENATE BILL NO. 1240

By Crowe

Substituted for: House Bill No. 1446

By Tim Hicks, Parkinson, Harris, Dixie, Haston, Cepicky, McKenzie, Warner,
Ragan

AN ACT to amend Tennessee Code Annotated, Title 49, relative to career and technical education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-11-110]

SECTION 1. Tennessee Code Annotated, Section 49-11-110, is amended by deleting subsection (a) and substituting:

(a) The department of education shall begin preparing students in middle school grades for a career and technical education (CTE) pathway by introducing students to career exploration opportunities that allow students to explore a wide variety of high-skill, high-wage, or in-demand career fields.

[49-11-110]

SECTION 2. Tennessee Code Annotated, Section 49-11-110(b), is amended by deleting the language “is encouraged to” and substituting the word “shall”.

[49-6-412]

SECTION 3. Tennessee Code Annotated, Section 49-6-412(b), is amended by adding the following as a new subdivision:

(3) Upon administering a career aptitude assessment to students in grade seven (7) or grade eight (8), an LEA shall provide the students with information on career and technical education opportunities offered by the LEA in which the student is eligible to participate.

[Effective date 4/30/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 272**SENATE BILL NO. 1259****By Reeves, Gilmore**

Substituted for: House Bill No. 1410

By Baum, Garringer, Hardaway, Smith, Gillespie, Helton, Doggett, Garrett,
Powell

AN ACT to amend Tennessee Code Annotated, Title 49 and Title 68, relative
to athletics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-3601; 49-6-3602; 49-6-3603]

SECTION 1. This act is known and may be cited as the "Safe Stars Act."

[T. 49; ch. 6; part 36; 49-6-3601; 49-6-3602; 49-6-3603]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended
by adding the following as a new part:

49-6-1501.

(a) As used in this part:

(1) "LEA" has the same meaning as defined in § 49-1-103; and

(2) "School youth athletic activity" has the same meaning as
defined in § 68-55-501.

(b) Beginning with the 2022-2023 school year for each LEA and
public charter school that provides a school youth athletic activity, the
following safety standards must be implemented:

(1) All coaches, whether employed by the LEA or public charter
school or a volunteer, shall:

(A) Annually complete the concussion recognition and head
injury safety education course program required under § 68-55-502;

(B) Annually complete the sudden cardiac arrest education
program required under § 68-6-103;

(C) Receive training in cardiopulmonary resuscitation
(CPR) and in the use of automated external defibrillators (AEDs); and

(D) Comply with all applicable background check and
fingerprinting requirements of § 49-5-413; and

(2) The following plans and policies must be implemented at
each public school, including public charter schools, for school youth
athletic activities:

(A) An allergy and anaphylaxis emergency response plan
that:

(i) Identifies the signs and symptoms of allergic
reactions, including severe allergic reactions and anaphylaxis;

PUBLIC CHAPTER NO. 272 (cont'd)

(ii) Provides information relating to the storage, location, use, and administration of epinephrine auto-injectors; and

(iii) Includes emergency follow-up procedures;

(B) An emergency action plan that facilitates and organizes the actions of coaches and athletes in an emergency; and

(C) A severe weather policy that requires all coaches who oversee or participate in outdoor training, practice, or competition to annually:

(i) Complete a heat illness prevention course approved by the department of health; provided, that all coaches shall complete the course no later than ninety (90) days after the start of the coach's employment or volunteer service, and annually thereafter. After the coach completes the first heat illness prevention course, the coach shall annually acknowledge in writing that the coach completed the course as required under this subdivision (b)(2)(C)(i), and that the coach understands the requirements and importance of the course; and

(ii) Receive training on activity modifications based on environmental conditions, such as lightning.

(c) Each LEA and public charter school that provides a school youth athletic activity:

(1) Shall develop a code of conduct for coaches; and (2) Is encouraged to visit the department of health's website to review the safety standards recommended for each level of recognition provided as part of the department's "Safe Stars Initiative", and to communicate with the department to ensure that all safety measures are up to date.

(d)(1) Private schools, as defined in § 49-6-3001, that provide a school youth athletic activity are encouraged to comply with the safety standards outlined in subsections (b) and (c).

(2) Community-based youth athletic activities, as defined in §§ 68-6-102 and 68-55-501, are encouraged to comply with the safety standards outlined in subsections (b) and (c).

49-6-1502.

(a) The departments of education and health shall develop and post on the departments' respective websites guidelines and other relevant materials to inform and educate students, parents, and coaches about:

(1) The nature and warning signs of sudden cardiac arrest and the risks associated with continuing to play or practice after experiencing one (1) or more symptoms of sudden cardiac arrest, which include fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate;

(2) Electrocardiogram (EKG) testing; and (3) The student's or parent's option to request, from the student's family medical provider, that an electrocardiogram (EKG) be administered in addition to the student's comprehensive initial pre-participation physical examination, at a cost to be incurred by the student or the student's parent.

PUBLIC CHAPTER NO. 272 (cont'd)

(b) The department of education, in collaboration with the department of health, shall develop a sudden cardiac arrest symptoms and warning signs information sheet that includes information about electrocardiogram (EKG) testing for purposes of § 49-6-1503. The information sheet must address the benefits and limitations of EKG testing.

(c) In developing the guidelines and materials under subsection (a), the departments may utilize materials developed by outside organizations.

49-6-1503.

(a) A student participating in, or seeking to participate in, an athletic activity, and the student's parent or guardian must sign and return to the student's public school an acknowledgement of their receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet developed by the department of education that includes information about electrocardiogram (EKG) testing. The acknowledgement form required under this subsection (a) must be signed and returned each year that a student participates in, or seeks to participate in, an athletic activity.

(b) Each LEA and public charter school shall hold an informational meeting before the start of each school athletic season or publish a video on the LEA's or public charter school's website for students, parents, coaches, and school officials to learn about the symptoms and warning signs of sudden cardiac arrest; heat illness; concussions and other head injuries; and other health, safety, and wellness issues related to sports participation, and to receive information about electrocardiogram (EKG) testing and each of the safety plans and policies implemented in the LEA pursuant to § 49-6-1501(b)(2). Physicians, pediatric cardiologists, and athletic trainers may participate in the informational meeting.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 273**SENATE BILL NO. 1262****By Reeves**

Substituted for: House Bill No. 1172

By Baum, Terry, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 29, relative to time for collection of privilege tax on residential development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-4-2910]

SECTION 1. Tennessee Code Annotated, Section 67-4-2910(a), is amended by inserting the following as a new subdivision (3) and redesignating the subsequent subdivisions accordingly:

(3) Notwithstanding subdivision (a)(2), a governing body may pass a resolution or ordinance requiring fifty percent (50%) of the tax to be paid at the time of application for a building permit and the remaining fifty percent (50%) of the tax to be paid prior to the issuance of a certificate of occupancy.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 274**SENATE BILL NO. 1303**

**By Yarbrow, Akbari, Briggs, Campbell, Haile, Jackson, Kyle, Rose,
Walley**

Substituted for: House Bill No. 1332

By Harris, Love, Clemmons, Hardaway, Gloria Johnson, Camper, Powell,
Lamar, Dixie, Freeman, Helton

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-2-136]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a)(1) If a student is placed in foster care, as defined in § 37-1-102(b)(17), and the student seeks to participate in interscholastic athletics, then the public school or public charter school in which the student is enrolled shall notify an association that regulates interscholastic athletics of the student's placement in foster care, if failure to notify the association of the student's placement may result in the student being deemed ineligible to participate in athletics for any period of time.

(2) Notwithstanding subdivision (a)(1), a public school or public charter school shall not notify an association that regulates interscholastic athletics of a student's placement in foster care unless the school first obtains written consent from the student's parent or legal guardian, or from the student if the student is eighteen (18) years of age or older, prior to making the notification.

(3) A notification made pursuant to this subsection (a) must be made in accordance with state law, the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), and other relevant privacy laws.

(b)(1) By January 1, 2022, and by January 1 of each year thereafter, each LEA and public charter school shall submit to the department of education documentation of its compliance with this section in the manner prescribed by the commissioner.

(2) By January 31, 2022, and by January 31 each year thereafter, the department shall submit a report to the education administration committee of the house of representatives and the education committee of the senate documenting each LEA's and public charter school's compliance with this section.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 275**SENATE BILL NO. 1326****By Hensley, Yager**

Substituted for: House Bill No. 539

By Powers, Ragan, Crawford, Bricken, Gillespie, Hardaway, Cooper, Todd,
Moody, Terry, Eldridge, Mannis, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, Part 5,
relative to periodic filing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[67-6-505]

SECTION 1. Tennessee Code Annotated, Section 67-6-505, is amended by
adding the following as a new subsection:

(c)(1) Notwithstanding § 67-6-504(a), dealers whose sales and
use tax liability for twelve (12) consecutive months has averaged one
thousand dollars (\$1,000) or less per month, adjusted every five (5)
years to reflect inflation, as measured by the United States bureau
of labor statistics consumer price index for all urban consumers, are
authorized to file monthly or quarterly.

(2) Any sales and use tax liability amount that is adjusted for
inflation in accordance with subdivision (c)(1) must be rounded to the
nearest ten dollars (\$10.00), and the first adjustment for inflation must
commence on January 1, 2026.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 276**SENATE BILL NO. 1377****By Bell**

Substituted for: House Bill No. 795

By Howell, Cepicky, Smith, Todd

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-3-310]

SECTION 1. Tennessee Code Annotated, Section 49-3-310, is amended by adding the following language as a new subdivision:

(3) An LEA may purchase technology using state school funds under this section in a school year immediately following a textbook adoption cycle in which the state textbook and instructional materials quality commission did not list or recommend career and technical education textbooks or instructional materials. An LEA may use any remaining funds under this section after the purchase of career and technical education textbooks or instructional materials to purchase technology.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 277**SENATE BILL NO. 1615****By Bailey, Massey; Mr. Speaker McNally; Yager**

Substituted for: House Bill No. 1352

By Vaughan, Lamberth, Ramsey, Smith, Moody, Littleton, Keisling

AN ACT to amend Tennessee Code Annotated, Section 55-17-121, relative to obligations under warranties and recalls.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-17-121]

SECTION 1. Tennessee Code Annotated, Section 55-17-121, is amended by adding the following as a new subsection:

(d)(1) A manufacturer or distributor shall specify in writing to each of the manufacturer or distributor's franchise motor vehicle dealers (dealers) operating in this state the dealer's obligations for preparation, delivery, and warranty services related to the manufacturer or distributor's products. The manufacturer or distributor shall compensate the dealer for the warranty services the manufacturer or distributor requires the dealer to provide, including warranty and recall obligations related to repairing and servicing motor vehicles of the manufacturer or distributor and all parts and components authorized by the manufacturer or distributor to be installed in, or manufactured for installation in, such motor vehicles.

(2)(A) The manufacturer or distributor shall provide to the dealer a schedule of compensation that specifies reasonable compensation the manufacturer or distributor will pay to the dealer for such recalls and warranty services, including for parts and diagnostics.

(B) In determining the schedule of compensation for parts, the manufacturer or distributor may multiply the price paid by the dealer for parts, including all shipping costs and other charges, by the sum of one (1) and the dealer's average percentage markup. The dealer's average percentage markup is calculated by subtracting one (1) from the result of dividing the total amounts charged by the dealer for parts used in warranty-like repairs by the total cost to the dealer for the parts in the retail service orders submitted pursuant to subdivision (d)(2)(C).

(C)(i) The dealer may establish its average percentage markup for parts by submitting to the manufacturer or distributor copies of one hundred (100) sequential retail service orders paid by the dealer's customers, or all of the dealer's retail service orders paid by the dealer's customers in a ninety-day period, whichever is less, for services provided within the previous one-hundred-eighty-day period. The manufacturer or distributor shall not consider retail service orders

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or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(ii) If the manufacturer or distributor determines, from any set of repair orders submitted under subdivision (d)(2)(C)(i), that the retail markup rate for parts calculated is substantially higher or lower than the rate currently on record with the manufacturer or distributor, then the manufacturer or distributor may request additional documentation for a period of either thirty (30) days prior to, or thirty (30) days following, the time period for which the repair orders were submitted for purposes of an adjustment. Within thirty (30) days of receiving the dealer's submission and additional documentation, if applicable, the manufacturer or distributor shall then approve or deny the establishment of the dealer's average percentage markup. If the manufacturer or distributor approves the establishment of the dealer's average percentage markup, then the markup or rate calculated under this subdivision (d)(2) becomes effective forty-five (45) days after the date of the manufacturer or distributor's approval. If the manufacturer or distributor denies the establishment of the dealer's average percentage markup, then the dealer may file an appeal to the commission. The manufacturer or distributor has the burden of proof to establish that the manufacturer or distributor's denial was reasonable. If the commission finds the denial was not reasonable, then the denial is a violation of this chapter and the commission shall determine the dealer's average percentage markup for purposes of calculating a reasonable schedule of compensation. In making such a determination, the commission shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(iii) A manufacturer or distributor shall not require the dealer to establish an average percentage markup by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the franchise motor vehicle dealer, including, but not limited to, requiring part-by-part or transaction-by-transaction calculations.

(iv) A dealer shall not request a change in the dealer's average percentage markup more than once in any one-year period.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 278**SENATE BILL NO. 129****By Haile, Massey, Pody**

Substituted for: House Bill No. 55

By Lamberth, Garrett, Griffey, Doggett, Farmer, Hawk, Sherrell, Whitson,
Crawford, Weaver

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 6,
relative to evading arrest.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-16-603]

SECTION 1. Tennessee Code Annotated, Section 39-16-603, is amended
by deleting subdivisions (a)(3) and (b)(3) and adding the following as a new
subsection:

(d)(1) A violation of subsection (a) is a Class A misdemeanor.

(2)(A) A violation of subsection (b) is a Class E felony and shall
be punished by confinement for not less than thirty (30) days.

(B) If the flight or attempt to elude creates a risk of death
or injury to innocent bystanders, pursuing law enforcement officers, or
other third parties, a violation of subsection (b) is a Class D felony and
shall be punished by confinement for not less than sixty (60) days.

(3) A violation of subsection (a) or (b) that results in serious
bodily injury to a law enforcement officer is a Class C felony.

(4) A violation of subsection (a) or (b) that results in the death
of a law enforcement officer is a Class A felony.

[39-16-603]

SECTION 2. Tennessee Code Annotated, Section 39-16-603(b)(4), is
amended by deleting the language “the penalty prescribed in this subsection
(b)” and substituting the language “the penalty prescribed in subsection (d)”.

[39-16-603]

SECTION 3. This act is known and may be cited as the “Spencer Bristol
Act.”

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 279**SENATE BILL NO. 746****By Johnson, Stevens**

Substituted for: House Bill No. 78

By Lamberth, Gant, Campbell, Smith, Ragan

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 25; Title 4, Chapter 56, Part 1; Title 12, Chapter 3, Part 3 and Title 12, Chapter 4, Part 1, relative to state government operations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 4, ch. 25; 4-25-101; 4-25-102; 4-25-103; 4-25-104; 4-25-105; 4-25-106; 4-25-107; 4-25-108]

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 25, is amended by deleting the chapter.

[4-56-103]

SECTION 2. Tennessee Code Annotated, Section 4-56-103(a)(2), is amended by deleting the language “, and the chief procurement officer shall keep a permanent and accurate record of all of its proceedings” and adding the following language at the end of the subdivision:

The chief procurement officer shall keep a permanent and accurate record of the documents submitted to the committee regarding protests of solicitations. The commissioner of finance and administration shall keep a permanent and accurate record of the minutes, procedures, and proceedings of the committee.

[12-3-305]

SECTION 3. Tennessee Code Annotated, Section 12-3-305(c), is amended by deleting the language “maximum liability or total estimated purchase by agencies of state government” and substituting instead the language “total estimated scope or volume”.

[12-4-113]

SECTION 4. Tennessee Code Annotated, Section 12-4-113(c), is amended by deleting the subsection and substituting instead the following:

(c) This section does not apply to the central procurement office, to any procurement conducted pursuant to chapter 3 of this title, to any department of transportation contracts, or to any state or local agency contracts funded in whole or in part with state or federal highway funds.

[12-4-118]

SECTION 5. Tennessee Code Annotated, Section 12-4-118, is amended by deleting the section and substituting instead the following:

(a) Notwithstanding any law to the contrary, state agencies, in consultation with the department of general services, and in accordance with policies established by the state building commission and state funding board, may enter into an energy performance or guaranteed savings contract using alternative procurement or contracting vehicles, including, but not limited to, existing in-state and out-of-state government contracts that have been competitively procured, that incorporate energy or utility savings into the scope of work to be performed under the contract, and that expressly authorize other contracting entities to execute contracts or price agreements under the terms and conditions of the master contract on behalf of a department, institution, agency, or campus having control of, or responsibility for, the management or operation of buildings and facilities; provided, that the contract award meets the requirements of § 12-4-110 relative to energy-related service contracts for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of this state. Such contracts are subject to approval by the state building commission. Agencies shall make reasonable efforts to ensure that small businesses are not disadvantaged in the determination of a qualified energy services provider.

(b) Projects implemented under an energy performance or guaranteed energy savings contract under subsection (a) may include, but are not limited to, the following energy or utility conservation measures:

- (1) Building envelope weatherization;
 - (2) Building automation controls;
 - (3) Lighting retrofits and controls;
 - (4) Water conservation, HVAC, chiller plant, boiler plant, or other mechanical modifications;
 - (5) Submetering to measure performance of controls or systems;
- and
- (6) Other energy or utility conservation measures that would result in cost savings.

(c) For the duration of each individual contract, an annual measurement and verification audit utilizing generally accepted auditing standards, such as the International Performance Measurement and Verification Protocol, must be conducted, and the related audit report must include, but not be limited to, energy or utility savings achieved, energy or utility savings targets met or exceeded, energy or utility savings targets missed, and guarantees paid by the energy service company executing the contract. The annual measurement and verification audit must be conducted by, and the related audit report must be prepared by, a third party at the expense

PUBLIC CHAPTER NO. 279 (cont'd)

of the energy service company executing the contract. Each audit report must be submitted annually by the state department, institution, or agency that has entered one (1) or more energy performance or guaranteed energy savings contracts to the department of environment and conservation's office of energy programs within thirty (30) days following the close of the fiscal year. The department of environment and conservation's office of energy programs shall submit the data to the governor, the commissioner of environment and conservation, state procurement agencies, the state building commission, the comptroller of the treasury, the speaker of the senate, and the speaker of the house of representatives no later than August 31 for each year in which each energy performance or guaranteed energy savings contract is executed and in effect.

(d) Notwithstanding any law to the contrary, any energy service company executing an energy performance contract or a guaranteed energy savings contract shall provide a written guarantee that the operational, energy, or utility savings produced by such contract during each year of the contract will be sufficient to pay for the financing repayment costs for that year. The energy service company shall post a performance bond, letter of credit, or similar surety with the procurement agency for a term of up to three (3) years and that may be renewed for subsequent terms of up to three (3) years to insure the guaranteed savings over the contract term. The costs associated with the energy performance or guaranteed energy savings contract may be financed by a third-party installment payment agreement, tax exempt lease purchase agreement, or other appropriate financing agreement arranged by the energy service company for a term of up to the lesser of twenty (20) years or the aggregate weighted expected useful life of the items that are the subject of the agreement. The financing agreement must provide that the state procurement agency may terminate the agreement if sufficient funds are not appropriated to the state procurement agency in any fiscal year during the term of the contract to make the payments under the contract.

(e) Notwithstanding any law to the contrary, this section is not applicable to energy-related service contracts for institutions of higher education, or for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of this state.

[Effective date 5/3/2021]

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 280**SENATE BILL NO. 749****By Johnson, Haile, Yarbrow, Campbell**

Substituted for: House Bill No. 768

By Lamberth, Gant, Littleton, Haston

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 3, Part 5, relative to child care agency licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-3-502]

SECTION 1. Tennessee Code Annotated, Section 71-3-502(a)(2)(B), is amended by deleting the word “2000” and substituting instead the word “2021”.

[71-3-502]

SECTION 2. Tennessee Code Annotated, Section 71-3-502(b)(2), is amended by deleting the subdivision and substituting the following:

(2) If a license is revoked or an application for licensure is denied, then the department shall offer reasonable assistance to the parent, guardian, or custodian of children in care in planning for the placement of the children in licensed child care agencies or other suitable care.

[71-3-502]

SECTION 3. Tennessee Code Annotated, Section 71-3-502(c), is amended by deleting the language “set forth in the fee schedule in subsection (g)” and substituting the language “established by rule as provided in subsection (f)”.

[71-3-502]

SECTION 4. Tennessee Code Annotated, Section 71-3-502(d)(1), is amended by deleting the language “either a restricted or unrestricted temporary” and substituting the language “a provisional”.

[71-3-502]

SECTION 5. Tennessee Code Annotated, Section 71-3-502(d)(1), is amended by deleting the word “temporary” wherever it appears and substituting the word “provisional”.

[71-3-502]

SECTION 6. Tennessee Code Annotated, Section 71-3-502(d)(2), is amended by deleting the language “receive a temporary license” and substituting the language “receive a provisional license”.

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[71-3-502]

SECTION 7. Tennessee Code Annotated, Section 71-3-502(d)(2)(C), is amended by deleting the language “both during the temporary and the annual license period” and substituting the language “both during and after the provisional licensing period”.

[71-3-502]

SECTION 8. Tennessee Code Annotated, Section 71-3-502(d)(2)(E), is amended by deleting the language “restricted or unrestricted” and substituting the word “provisional”.

[71-3-502]

SECTION 9. Tennessee Code Annotated, Section 71-3-502(d)(3), is amended by deleting the subdivision and substituting the following:

(3) If the department determines that any of the criteria in subdivision (d)(2) has not been, or cannot be met, then it may deny the application for a provisional license.

[71-3-502]

SECTION 10. Tennessee Code Annotated, Section 71-3-502(d)(4)(A), is amended by deleting the subdivision and substituting the following:

(A) If the department determines that the applicant has fully complied with subdivision (d)(2) and with all other laws and regulations governing the specific classification of child care agency for which the application was made, that the child care agency has demonstrated the ability to maintain compliance with all licensing regulations following the provisional licensure period, and that it has a reasonable likelihood of maintaining licensure, then the department shall issue a license.

[71-3-502]

SECTION 11. Tennessee Code Annotated, Section 71-3-502(d)(4)(8), is amended by deleting the language “the annual” and substituting the word “a”.

[71-3-502]

SECTION 12. Tennessee Code Annotated, Section 71-3-502(d)(7)(B), is amended by deleting the last sentence in the subdivision.

[71-3-502]

SECTION 13. Tennessee Code Annotated, Section 71-3-502(d)(7)(C)(iii), is amended by deleting the language “The department shall also promulgate rules providing that, on and after May 1, 2005” and substituting the language “Subject to department rule”.

PUBLIC CHAPTER NO. 280 (cont'd)

[71-3-502]

SECTION 14. Tennessee Code Annotated, Section 71-3-502(d)(8), is amended by deleting the subdivision and substituting the following:

(8) If the department fails to issue a license within one hundred twenty (120) days of the granting of the provisional license, then the provisional license continues in effect, unless suspended, as provided in § 71-3-509, until such determination is made. If a license is denied following the issuance of a provisional license, and if a timely appeal is made of the denial of a license, then the provisional license remains in effect, unless suspended, until the board of review renders a decision regarding the denial of a license.

[71-3-502]

SECTION 15. Tennessee Code Annotated, Section 71-3-502(d)(9), is amended by deleting the language “If a temporary or annual license is denied, or an annual license is restricted” and substituting the language “If a provisional license is denied or a license is denied following the issuance of a provisional license”.

[71-3-502]

SECTION 16. Tennessee Code Annotated, Section 71-3-502(e), is amended by deleting the word “temporary” wherever it appears and substituting the word “provisional”.

[71-3-502]

SECTION 17. Tennessee Code Annotated, Section 71-3-502(e)(3)(B), is amended by deleting the language “an annual or extended license” and substituting the language “a license”.

[71-3-502]

SECTION 18. Tennessee Code Annotated, Section 71-3-502(f), is amended by deleting the subsection and substituting the following:

(1) Prior to January 1, 2022, the licensure application fees as they existed for child care agencies on June 30, 2021, apply. On or after January 1, 2022, licensure fees apply only to applications for provisional licenses for child care agencies licensed pursuant to this part in amounts established by rules promulgated by the department pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) In order to address the need for and encourage the development of extended child care for parents working during nights or on weekends, or for any other nontraditional child care needs for which the department determines that available child care is inadequate or unavailable in all or any part of the state, the department may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, providing for alternative fee

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schedules in order to recognize and encourage the development of child care to meet such needs.

[71-3-502]

SECTION 19. Tennessee Code Annotated, Section 71-3-502(h), is amended by deleting the language “and renewal”.

[71-3-502]

SECTION 20. Tennessee Code Annotated, Section 71-3-502(j), is amended by deleting the subsection and substituting the following:

(1)(A) The department shall establish and implement a quality assessment and rating system for the purpose of evaluating, individually and collectively, child care agencies licensed or approved by the department pursuant to this part so that parents or other caretakers of children enrolled, or being considered for enrollment, at a child care agency, may make more informed decisions regarding the care of their children by comparing the quality of services offered by child care agencies, to encourage the improvement of out-of-home child care for children in this state, and to support child care providers in continuously improving the quality of services and support they provide families. The quality assessment and rating system established pursuant to this subsection (j) must be developed in a manner easily usable by parents or other caretakers of children to make informed choices related to child care.

(B) For purposes of this subsection (j), “child care agencies” includes child care centers, group child care homes, and family child care homes.

(2)(A) The department shall promulgate rules establishing the quality assessment and rating system under this subsection (j). Each child care agency must receive a quality assessment and rating evaluation after the rules establishing the quality assessment and rating system under this subsection (j) become effective, and annually thereafter. This quality assessment and rating system must include an annual evaluation of each child care agency by the department and must reflect key indicators of performance comparison among all child care agencies in this state, which may include information related to the following:

- (i) Health and safety practices; and
- (ii) Teacher-child interactions.

(B) The department shall not discriminate or fail to recognize the credentials of any accrediting agency based upon religious affiliation, race, age, color, sex, or national origin.

(C) Upon completion, the quality assessment and rating results of each child care agency must be available on the department's website and posted in a clear and visible location at each child care

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agency for review by the parents or other caretakers of children enrolled, or being considered for enrollment, at the child care agency.

(3) Any child care agency that accepts the department's child care assistance subsidy payments may receive higher subsidy payments or other financial performance incentives, as determined by the department, based upon the child care agency's quality assessment and rating results, subject to available funding in the department's budget.

(4) The commissioner and the comptroller of the treasury may, in their discretion, conduct audits of the records of any child care providers as necessary to verify that the expenditures by a child care provider of state or federal child care subsidy funds are being made according to state or federal requirements.

(5) A child care agency is subject to denial or revocation of the agency's license by the department and may also be subject to a civil penalty of five hundred dollars (\$500) imposed by the department if the child care agency knowingly:

(A) Provides false information or fails to provide any information to the department, the comptroller, or their agents or designees that is required or necessary to perform any of the requirements of this title or to enforce state or federal law or regulations, or child care subsidy or licensing requirements;

(B) Fails to allow entrance by any person designated by the department to perform the evaluation required by this subsection (j);
or

(C) Continues to display expired or revoked quality assessment and rating results after written notice by the department.

[71-3-502]

SECTION 21. Tennessee Code Annotated, Section 71-3-502(9), is amended by deleting the subsection.

[71-3-509]

SECTION 22. Tennessee Code Annotated, Section 71-3-509(b)(1), is amended by deleting the language", during the licensing period,".

[71-3-509]

SECTION 23. Tennessee Code Annotated, Section 71-3-509(d)(1), is amended by deleting the language "temporary license or for the renewal of an existing license" and substituting the language "provisional license"; deleting the language "application for the new or renewed license" and substituting the language "license following the issuance of a provisional license"; and deleting the language "deny a temporary" and substituting the language "deny a provisional".

PUBLIC CHAPTER NO. 280 (cont'd)**[71-3-509]**

SECTION 24. Tennessee Code Annotated, Section 71-3-509(d)(3), is amended by deleting the language “the temporary, annual, or extended license is denied” and substituting the language “a provisional license is denied, a license is denied following the issuance of a provisional license,”.

[71-3-514]

SECTION 25. Tennessee Code Annotated, Section 71-3-514(f)(1), is amended by adding the word “provisional” before the word “license”.

[71-3-514]

SECTION 26. Tennessee Code Annotated, Section 71-3-514(f)(2), is amended by deleting the language “the application for a license renewal” and substituting the language “a license following the issuance of a provisional license”.

[Effective date 7/1/2021]

SECTION 27. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 281**SENATE BILL NO. 1229****By Rose, Jackson, Pody**

Substituted for: House Bill No. 529

By Moody, Griffey, Gant, Ragan, Doggett, Haston, Howell, Weaver, Cepicky,
 Lamberth, Rudd, Hall, Jerry Sexton, White, Hulse, Hurt, Reedy, Casada,
 Warner, Littleton, Sherrell, Todd, Wright,

**Rudder, Alexander, Kumar, Bricken, Grills, Smith, Terry,
 Cochran, Powers**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 13,
 relative to curriculum.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
 TENNESSEE:

[49-6-1308]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 13, is amended by adding the following as a new section:

(a) Not less than thirty (30) days prior to commencing instruction of a sexual orientation curriculum or gender identity curriculum, regardless of whether the curriculum is offered as part of a family life program, sex education program, or other program, each LEA or public charter school shall notify the parent or guardian of each student whom the LEA or charter school anticipates will be present for instruction in the curriculum that:

(1) The LEA or charter school is providing a sexual orientation curriculum or gender identity curriculum; and

(2) The parent or guardian may examine the instructional materials and confer with the student's instructor, school counselor, or principal, as designated by the LEA or public charter school, regarding any or all portions of the curriculum.

(b) A parent or guardian who wishes to excuse the parent's or guardian's student from any portion of a sexual orientation curriculum or gender identity curriculum must submit a request in writing to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse the parent's or guardian's student from all portions of a sexual orientation curriculum or gender identity curriculum must submit a request in writing to the student's principal. An LEA or public charter school shall not penalize a student who is excused from any or all portions of a sexual orientation curriculum or gender identity curriculum for grading purposes if the excused student satisfactorily performs an alternative lesson that is assigned to the student.

Rudder, Alexander, Kumar, Bricken, Grills, Smith, Terry, Cochran, Powers (cont'd)

(c) An LEA or public charter school is not required to notify a student's parent or guardian prior to a teacher, principal, or other school personnel:

(1) Responding to a question from a student during class regarding sexual orientation or gender identity as it relates to any topic of instruction; or

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure, where the referral provides necessary context in relation to a topic of instruction.

(d) An LEA or public charter school is not required to provide a sexual orientation curriculum or gender identity curriculum.

(e) As used in this section "instruction of a sexual orientation curriculum or gender identity curriculum" includes distributing materials, administering tests, surveys, or questionnaires, or instruction of any kind related to sexual orientation or gender identity.

[49-6-1301]

SECTION 2. Tennessee Code Annotated, Section 49-6-1301, is amended by adding the following as new subdivisions:

() "Gender identity" has the same meaning as provided in the Diagnostic and Statistical Manual (DSM-5);

() "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

() "Sexual orientation" means an individual's actual or perceived sexual orientation as heterosexual, homosexual, or bisexual;

[Effective date 5/3/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 282**HOUSE BILL NO. 72**

**By Representatives Lamberth, Gant, Hulsey, Powell, Crawford,
Sherrell, Bricken, Ramsey, Wright, White, Carringer, Haston,
Parkinson, Windle, Williams, Carr, Chism, Todd, Jernigan**

Substituted for: Senate Bill No. 727

By Senators Johnson, Walley

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28, Part 1; Title 40, Chapter 35, Part 5 and Section 41-21-227(i), relative to chronically ill inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-35-501]

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

(1) Notwithstanding this part or title 40, chapter 28, part 1 to the contrary, the commissioner of correction may certify as eligible for parole a chronically debilitated or incapacitated inmate who:

(A) Is at least seventy (70) years of age;

(B) Has served a minimum of five (5) years in custody;

(C) Is not serving a sentence for:

(i) A violent sexual offense, as defined in § 40-39-202; or

(ii) More than one (1) conviction for first degree murder, pursuant to § 39-13-202, or facilitation of first degree murder;

(D) Is not serving a sentence of imprisonment for life without possibility of parole; and

(E) Has two (2) sworn statements from physicians, at least one (1) of whom is the department of correction's director of medical services, certifying that the condition of the inmate is chronic, incurable, and will likely result in the inmate's death.

(2) If a person is granted parole pursuant to this subsection (), the board of parole shall send the notice required by § 40-28-505(c) to the members of the general assembly who represent the district where the offender last resided prior to incarceration.

[41-21-227]

SECTION 2. Tennessee Code Annotated, Section 41-21-227(i)(2)(A), is amended by deleting the subdivision and substituting the following:

(2)

(A) Subdivision (i)(1) applies only to inmates who, due to the inmate's chronically debilitated or incapacitated medical condition:

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- (i) Have a medical prognosis of mortality within one (1) year or less; or
- (ii) Are no longer able to take care of themselves in a prison environment due to severe physical or psychological deterioration.

[Effective date 4/30/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 283**HOUSE BILL NO. 77****By Representatives Lamberth, Gant, Bricken, Hazlewood**

Substituted for: Senate Bill No. 745

By Senators Johnson, Reeves

AN ACT to amend Tennessee Code Annotated, Section 45-2-601, relative to banking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[45-2-601]

SECTION 1. Tennessee Code Annotated, Section 45-2-601, is amended by deleting the section and substituting instead the following:

(a) Subject to regulation by the commissioner and any restrictions expressly imposed by this chapter and chapter 1 of this title, any bank may enjoy any and all rights and may exercise any and all powers conferred upon banking corporations for profit by the Tennessee Business Corporation Act, compiled in title 48, chapters 11-27.

(b) A state bank may exercise any power or engage in any activity that it could exercise or engage in if it were a national bank, upon the same terms and conditions applicable to a national bank, subject to regulation by the commissioner for the purpose of maintaining the state bank's safety and soundness.

(c)

(1) A state bank may request a waiver or modification of the terms and conditions applicable to a national bank referenced in subsection (b) by filing an application containing the information required by the commissioner. The commissioner may grant the waiver or modification in whole or in part if the commissioner finds that the waiver or modification will support the state bank's ability to serve the citizens of this state, the state bank's ability to promote the economic progress of this state, and the state bank's safety and soundness. The commissioner may impose terms or conditions as a condition of granting a waiver or modification under this subdivision (c)(1).

(2) A state bank may request the authority to exercise any incidental power or engage in any incidental activity that is reasonably necessary to enable the state bank to exercise a power or engage in an activity pursuant to subsection (b) by filing an application containing the information required by the commissioner. The commissioner may authorize the state bank to exercise the incidental power or engage in the incidental activity if the commissioner finds that exercising the incidental power or engaging in the incidental activity will support the state bank's ability to serve the citizens of this state, the state bank's ability to promote the economic progress of this state, and the

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state bank's safety and soundness. The commissioner may impose terms or conditions as a condition of granting authorization under this subdivision (c)(2).

(d)

(1) The commissioner shall publish a summary of each application submitted under subsection (c) that is approved by the commissioner, which must include only any waiver or modification of the terms or conditions applicable to a national bank; any authorized incidental power or activity; any terms or conditions imposed by the commissioner with respect to the waiver, modification, or authorization; and any other information as determined by the commissioner.

(2) Any state bank may exercise any power or engage in any activity specified in the summaries of approved waivers, modifications, and authorized incidental powers and activities published pursuant to subdivision (d)(1), upon the same terms and conditions imposed with respect to the waivers, modifications, or authorizations, and subject to regulation by the commissioner for the purpose of maintaining the state bank's safety and soundness.

[Effective date 4/30/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 284**HOUSE BILL NO. 82**

By Representatives Lamberth, Gant, Wright, Powell, Crawford, Moon, Sherrell, Windle, Hurt, Terry, Haston, Beck, Stewart, Mannis, Gillespie, Whitson, Todd, Ragan, Hazlewood, Helton, Stewart, Camper, Boyd, Littleton, Garrett, Jernigan, Curcio

Substituted for: Senate Bill No. 754

By Senators Johnson, Jackson, White, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 33, relative to employment protections for members of the Tennessee national guard, Tennessee state guard, and civil air patrol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-33-110]

SECTION 1. Tennessee Code Annotated, Section 8-33-110, is amended by deleting the section and substituting instead the following:

8-33-110.

(a)

(1) Subject to the eligibility requirements of subdivision (a) (2) and in addition to the leave of absence provided in § 8-33-109, all officers and employees of this state, or any department or agency thereof, or of any county, municipality, school district, or other political subdivision, all other public employees of this state, and all private sector employees who are members of the Tennessee army and air national guard, the Tennessee state guard, or civil air patrol and are on active state duty pursuant to § 58-1-106 are entitled to:

(A) An unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which they are engaged in the performance of duty or training in the service of this state under competent orders, including the performance of duties in an emergency; and

(B) Equivalent protections regarding the right to reemployment to those protections afforded under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 et seq.) to service members called to federal active service.

(2) To be eligible for the protections set forth in subdivision (a) (1), a person must satisfy the following conditions:

(A) A person whose period of service in the uniformed services was thirty (30) days or less must report for work to the person's employer not later than the first full regularly scheduled work period

PUBLIC CHAPTER NO. 284 (cont'd)

following a period of eight (8) hours after the person has completed the person's period of service and has been safely transported to the person's residence, unless reporting for work within that time period is not reasonably practicable through no fault of the person, in which case the person must report for work as soon as reasonably practicable;

(B) A person whose period of service in the uniformed services was greater than thirty (30) days but not more than one hundred eighty (180) days must submit an application for reemployment with the person's employer within fourteen (14) days after completion of the person's period of service, unless doing so is not reasonably practicable through no fault of the person, in which case the person must submit an application for reemployment as soon as reasonably practicable; or

(C) A person whose period of service in the uniformed services was greater than one hundred eighty (180) days must submit an application for reemployment with the person's employer within ninety (90) days after completion of the period of service.

(b) Persons covered by subsection (a) shall, unless impossible or unreasonable under the circumstances of the person's call to active state duty, provide advance notice to their employer of competent orders calling the person to active state duty.

(c) The chancery court for the jurisdiction in which a person covered by subsection (a) is employed has the jurisdiction and authority to enforce this section, including the authority to order an employer to comply with this section.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 285**HOUSE BILL NO. 85****By Representatives Lamberth, Gant, Hazlewood, Carr**

Substituted for: Senate Bill No. 757

By Senators Johnson, Stevens, Bowling, Jackson

AN ACT to amend Tennessee Code Annotated, Title 67; Chapter 72 of the Public Acts of 2011; Chapter 157 of the Public Acts of 2019; Chapter 193 of the Public Acts of 2017; Chapter 273 of the Public Acts of 2015; Chapter 480 of the Public Acts of 2013; Chapter 530 of the Public Acts of 2009 and Chapter 602 of the Public Acts of 2007, relative to sales tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[6-51-115; 67-4-2301; 67-4-2302; 67-4-2303; 67-4-2304; 67-4-2305; 67-4-2306; 67-4-2307; 67-4-2401; 67-4-2402; 67-4-2403; 67-4-2404; 67-4-2405; 67-4-2406; 67-4-2407; 67-4-2408; 67-4-2409; 67-4-2410; 67-4-2501; 67-4-2502; 67-4-2503; 67-4-2504; 67-4-2505; 67-4-2506; 67-4-2507; 67-4-2508; 67-4-2701; 67-4-2702; 67-4-2703; 67-4-2704; 67-4-2705; 67-4-2706; 67-4-2707; 67-4-2708; 67-4-2709; 67-4-2710; 67-4-2711; 67-4-2712; 67-6-102; 67-6-103; 67-6-201; 67-6-202; 67-6-203; 67-6-205; 67-6-206; 67-6-209; 67-6-217; 67-6-219; 67-6-221; 67-6-226; 67-6-227; 67-6-313; 67-6-322; 67-6-329; 67-6-349; 67-6-385; 67-6-386; 67-6-407; 67-6-408; 67-6-504; 67-6-528; 67-6-536; 67-6-539; 67-6-601; 67-6-702; 67-6-704; 67-6-706; 67-6-710; 67-6-712; 67-6-714; 67-6-715; 67-6-716; 67-6-901; 67-6-902; 67-6-904; 67-6-905; 67-6-906; 67-6-907]

SECTION 1. Tennessee Code Annotated, Chapter 602 of the Public Acts of 2007, as amended by Chapter 530 of the Public Acts of 2009, and as further amended by Chapter 72 of the Public Acts of 2011, and as further amended by Chapter 480 of the Public Acts of 2013, and as further amended by Chapter 273 of the Public Acts of 2015, and as further amended by Chapter 193 of the Public Acts of 2017, and as further amended by Chapter 157 of the Public Acts of 2019, is amended by deleting Sections 127 through 178.

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 286**HOUSE BILL NO. 94****By Representatives Lamberth, Gant, Boyd**

Substituted for: Senate Bill No. 764

By Senators Johnson, Bailey

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, Part 2, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[50-6-204]

SECTION 1. Tennessee Code Annotated, Section 50-6-204(g)(2)(A), is amended by adding in the last sentence of the subdivision the language "in accordance with § 50-6-239(c)" immediately after the word "resolution".

[50-6-208]

SECTION 2. Tennessee Code Annotated, Section 50-6-208(j)(1), is amended by deleting the subdivision and substituting instead the following:

(1) If, after the compensation under § 50-6-207(3)(A) has been provided, the employee has not returned to work with any employer because of a work injury, or has returned to work and is receiving wages or a salary that is less than one hundred percent (100%) of the wages or salary the employee received from the employee's pre-injury employer on the date of injury, then the injured employee may request vocational recovery assistance from the subsequent injury and vocational recovery fund. To be eligible for assistance, the injured employee must submit to the bureau on a form approved by the administrator a request for vocational recovery assistance within ninety (90) days of the date of final payment of the compensation under § 50-6-207(3)(A).

[50-6-208]

SECTION 3. Tennessee Code Annotated, Section 50-6-208(j)(7), is amended by deleting "2021" and substituting instead "2025".

[50-6-238]

SECTION 4. Tennessee Code Annotated, Section 50-6-238(a)(3), is amended by deleting the language "and to compel obedience to their judgments, orders, and process through the assessment of a penalty as provided in § 50-6-118" and substituting instead "to compel obedience to their judgments, orders, and process through the assessment of a penalty as provided in § 50-6-118, and to conduct judicial settlement conferences".

[Effective date 4/30/2021]

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to injuries occurring on or after that date.

PUBLIC CHAPTER NO. 287**HOUSE BILL NO. 117**

**By Representatives Lamar, White, Shaw, Hodges, Camper, Rudder,
Harris, Moody, · Hardaway, Freeman, Love, Beck, Lynn**

Substituted for: Senate Bill No. 337

By Senators Gilmore, Akbari, Campbell

AN ACT to amend Tennessee Code Annotated, Title 49, relative to training on the detection, intervention, prevention, and treatment of human trafficking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-3004]

SECTION 1. Tennessee Code Annotated, Section 49-6-3004(c)(1)(B), is amended by deleting the first sentence of the subdivision and substituting instead the following:

Beginning with the 2021-2022 school year, each local board of education shall require that each teacher employed by the board receive, once every three (3) years, in-service training on the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child, which must be accomplished through the viewing of a video recording approved by the LEA

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 288

HOUSE BILL NO. 267

By Representatives Ragan, Crawford

Substituted for: Senate Bill No. 40

By Senators Roberts, Crowe

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 7, relative to the board of nursing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (11).

[4-29-244]

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following as a new subdivision:

() Board of nursing, created by § 63-7-201;

[63-7-201]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 289**HOUSE BILL NO. 367****By Representatives Williams, Todd, Hazlewood**

Substituted for: Senate Bill No. 223

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Title 67, relative to unattended food establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-102]

SECTION 1. Tennessee Code Annotated, Section 67-6-102, is amended by adding the following as new, appropriately designated subdivisions:

() "Micro market" means an unattended food establishment that:

(A) Includes one (1) or more micro market displays;

(B) Has an automated payment kiosk or other device designated for self-checkout by the consumer by means of electronic payment;

(C) Has controlled entry not accessible by the general public; and

(D) Provides commercially prepackaged food or ready-to-eat food,

including, without limitation:

(i) Items prepackaged in tamper-evident packaging;

(ii) Products containing nutrition information required by the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.); or

(iii) Products containing a freshness or expiration date;

() "Micro market display" means a place where food being sold by a micro market is displayed, including a:

(A) Refrigerator or refrigerated cooler;

(B) Freezer;

(C) Vending machine;

(D) Open rack;

(E) Beverage dispenser; or

(F) Single-service coffee brewer; and

() "Unattended" means sales of goods are processed electronically without the physical presence of a person operating the market sales checkout;

PUBLIC CHAPTER NO. 289 (cont'd)

[67-6-202]

SECTION 2. Tennessee Code Annotated, Section 67-6-202(c), is amended by deleting the language “from any vending machine” and substituting instead the language “from any micro market or vending machine”.

[67-6-329]

SECTION 3. Tennessee Code Annotated, Section 67-6-329(a)(18), is amended by deleting the language “from any vending machine” and substituting instead the language “from any micro market or vending machine”; and is further amended by deleting the language

“including vending machines” and substituting instead the language “including micro markets and vending machines”.

[67-6-504]

SECTION 4. Tennessee Code Annotated, Section 67-6-504, is amended by adding the following as a new subsection:

Notwithstanding any law to the contrary, a dealer who owns and operates multiple micro markets in the state may file a single return for all sales or purchases made at micro markets within this state and report on a consolidated basis all sales and purchases made at micro markets within each local jurisdiction owned and operated by the dealer and taxable under this chapter.

[67-6-601]

SECTION 5. Tennessee Code Annotated, Section 67-6-601(a), is amended by deleting the subsection and substituting the following:

Every person desiring to engage in or conduct business as a dealer in this state shall file with the commissioner an application for a certificate of registration for each place of business; however, a person operating multiple micro markets in this state may file with the commissioner a single certificate of registration for each local jurisdiction in which it operates micro markets.

[Effective date 10/1/2021]

SECTION 6. This act takes effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 290**HOUSE BILL NO. 487**

**By Representatives Smith, Cepicky, White, Sherrell, Cochran,
Powers**

Substituted for: Senate Bill No. 1360

By Senators Bell, Hensley, Bowling

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 13,
relative to family life education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-1302]

SECTION 1. Tennessee Code Annotated, Section 49-6-1302, is amended
by deleting subsection (a) and substituting:

(1) Beginning with the 2021-2022 school year, each LEA shall
locally devise, adopt, and implement a program of family life education
in conformance with the curriculum guidelines established for such
programs by this part.

(2) Each LEA shall locally develop and adopt a family life
curriculum in compliance with the requirements of this part, or shall
adopt the family life curriculum adopted by the state board of education.

[49-6-1302]

SECTION 2. Tennessee Code Annotated, Section 49-6-1302, is amended
by deleting subsection (b) and substituting:

(b) The state board of education shall adopt a complete family
life curriculum suitable for implementation by an LEA that fails to
develop, adopt, and implement a local curriculum of family life under
subsection (a). A family life curriculum adopted by the state board
under this subsection (b) must be in conformance with the curriculum
guidelines established for such programs by this part.

[49-6-1302]

SECTION 3. Tennessee Code Annotated, Section 49-6-1302, is amended
by adding the following as a new subsection:

(d) A curriculum on sex education or human sexuality that
is developed, adopted, or implemented by an LEA as a part of a
human growth and development program or curriculum must be in
conformance with the curriculum guidelines established for family life
programs by this part.

PUBLIC CHAPTER NO. 290 (cont'd)**[Effective date 4/30/2021]**

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 291**HOUSE BILL NO. 567****By Representative Ragan**

Substituted for: Senate Bill No. 1088

By Senators Roberts, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, relative to emergency

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-211]

SECTION 1. Tennessee Code Annotated, Section 4-5-211, is amended by deleting the last sentence of the section and substituting instead the following:

The attorney general and reporter shall not approve an emergency rule filed pursuant to § 4-5-208 if the emergency rule does not meet the statutory criteria for adoption of the rule contained in this chapter.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 292**HOUSE BILL NO. 722**

**By Representatives Hakeem, Towns, Thompson, Dixie, Hodges,
Camper, Clemmons**

Substituted for: Senate Bill No. 419

By Senators Campbell, Yarbro, Kyle, Gilmore

AN ACT to amend Tennessee Code Annotated, Section 2-12-102, relative to county election commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-12-102]

SECTION 1. Tennessee Code Annotated, Section 2-12-102(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) A county election commissioner who qualifies as a candidate for any public office while serving as a commissioner is automatically disqualified to continue in office as a commissioner, and a vacancy exists on the commission.

(2) If an immediate family member of a county election commissioner is on the ballot for public office in the county in which the commissioner serves, the commissioner must:

(A) Abstain from voting on any issues that directly affect the commissioner's immediate family member; and

(B) Be recused from the official duties of the commission at least thirty (30) days before the election and the state election commission shall appoint a temporary replacement for the election. The recused county election commissioner is reinstated to the office after the election in question is certified.

(3) As used in this subsection (b), "immediate family member" means a spouse, parent, sibling, or child.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 293**HOUSE BILL NO. 732**

**By Representatives Alexander, Haston, Camper, Hardaway,
Clemmons, Littleton, Love, Helton, Hodges, Harris, Powell, Todd,
Smith**

Substituted for: Senate Bill No. 1033

By Senators Gilmore, Campbell, Bowling, Haile, Massey, Rose, Yager

AN ACT to amend Tennessee Code Annotated, Title 13; Title 45; Title 47; Title 48; Title 56 and Title 66, relative to real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[66-7-112]

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 7, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Domestic abuse victim" has the same meaning as defined in § 36-3-601;

(2) "Household member" means a member of the tenant's family who lives in the same household as the tenant;

(3) "Sexual assault victim" has the same meaning as defined in § 36-3-601; and

(4) "Stalking victim" has the same meaning as defined in § 36-3-601.

(b)

(1) A tenant who meets the requirements established in this subsection (b) may terminate a residential rental or lease agreement entered into or renewed on or after July 1, 2021, upon the tenant providing the landlord with written notice stating that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or a child. In order for a tenant to terminate the tenant's rights and obligations under the rental or lease agreement and vacate the dwelling without liability for future rent and early termination penalties or fees, the tenant must provide the landlord with:

(A) Written notice requesting release from the rental or lease agreement;

(B) A mutually agreed upon release date within the next thirty (30) days from the date of the written notice; and

(C) One (1) of the following:

(i) A copy of a valid order of protection issued or extended pursuant to § 36-3-605, following a hearing at which the court found by

PUBLIC CHAPTER NO. 293 (cont'd)

a preponderance of the evidence that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or

(ii) Documentation evidencing a criminal charge of domestic abuse, sexual assault, or stalking, based on a police report reflecting that the tenant or household member was subject to domestic abuse, sexual assault, or stalking, regardless of whether the alleged victim is an adult or a child.

(2) The documentation the tenant offers in support of the termination request must be dated no more than sixty (60) days prior to the tenant's notice to the landlord.

(3)

(A) Unless otherwise required by law or a court of competent jurisdiction, a landlord shall not reveal any identifying information concerning a tenant who has terminated a rental or lease agreement pursuant to this subsection (b) without the written consent of the tenant.

(B) As used in this subdivision (b)(3), "identifying information" means any information that could reasonably be used to locate the former tenant or household member, including a home or work address, telephone number, or social security number.

(4) The tenant shall vacate the premises within thirty (30) days of giving notice to the landlord or at another time as may be agreed upon by the landlord and the tenant.

(c) A tenant terminating the rental or lease agreement pursuant to this section is responsible for:

(1) The rent payment for the full month in which the tenancy terminates;

and

(2) The previous obligations outstanding on the termination date.

(d) This section does not:

(1) Release other parties to the rental or lease agreement from the obligations under the rental or lease agreement;

(2) Authorize the landlord to terminate the tenancy and cause the eviction of a residential tenant solely because the tenant or a household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or

(3) Authorize the landlord or tenant, by agreement, to waive or modify any provision of this section other than subdivision (b)(4).

[66-28-205]

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 28, Part 2, is amended by adding the following language as a new section:

PUBLIC CHAPTER NO. 293 (cont'd)

(a) As used in this section:

(1) "Domestic abuse victim" has the same meaning as defined in § 36-3-601;

(2) "Household member" means a member of the tenant's family who lives in the same household as the tenant;

(3) "Sexual assault victim" has the same meaning as defined in § 36-3-601; and

(4) "Stalking victim" has the same meaning as defined in § 36-3-601.

(b)

(1) A tenant who meets the requirements established in this subsection (b) may terminate a residential rental or lease agreement entered into or renewed on or after July 1, 2021, upon the tenant providing the landlord with written notice stating that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or a child. In order for a tenant to terminate the tenant's rights and obligations under the rental or lease agreement and vacate the dwelling without liability for future rent and early termination penalties or fees, the tenant must provide the landlord with:

(A) Written notice requesting release from the rental or lease agreement;

(B) A mutually agreed upon release date within the next thirty (30) days from the date of the written notice; and

(C) One (1) of the following:

(i) A copy of a valid order of protection issued or extended pursuant to § 36-3-605, following a hearing at which the court found by a preponderance of the evidence that the tenant or household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or

(ii) Documentation evidencing a criminal charge of domestic abuse, sexual assault, or stalking, based on a police report reflecting that the tenant or household member was subject to domestic abuse, sexual assault, or stalking, regardless of whether the alleged victim is an adult or a child.

(2) The documentation the tenant offers in support of the termination request must be dated no more than sixty (60) days prior to the tenant's notice to the landlord.

(3)

(A) Unless otherwise required by law or a court of competent jurisdiction, a landlord shall not reveal any identifying information concerning a tenant who has terminated a rental or lease agreement pursuant to this subsection (b) without the written consent of the tenant.

PUBLIC CHAPTER NO. 293 (cont'd)

(B) As used in this subdivision (b)(3), "identifying information" means any information that could reasonably be used to locate the former tenant or household member, including a home or work address, telephone number, or social security number.

(4) The tenant shall vacate the premises within thirty (30) days of giving notice to the landlord or at any other time as may be agreed upon by the landlord and the tenant.

(c) A tenant terminating the rental or lease agreement pursuant to this section is responsible for:

(1) The rent payment for the full month in which the tenancy terminates; and

(2) The previous obligations outstanding on the termination date.

(d) This section does not:

(1) Release other parties to the rental or lease agreement from the obligation under the rental or lease agreement;

(2) Authorize the landlord to terminate the tenancy and cause the eviction of a residential tenant solely because the tenant or a household member is a domestic abuse victim, sexual assault victim, or stalking victim, regardless of whether the victim is an adult or child; or

(3) Authorize the landlord or tenant, by agreement, to waive or modify any provision of this section other than subdivision (b)(4).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 294**HOUSE BILL NO. 781****By Representatives Lamberth, Gant, Vaughan****Substituted for: Senate Bill No. 770****By Senators Johnson, Roberts**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 4, Chapter 3; Title 62, Chapter 11; Title 62, Chapter 26; Title 62, Chapter 27; Title 62, Chapter 32, Part 3 and Title 62, Chapter 35, relative to detection services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[62-11-106]

SECTION 1. Tennessee Code Annotated, Section 62-11-106(2)(B), is amended by deleting the subdivision and substituting the following:

(B) Notwithstanding any other law to the contrary, all moneys collected pursuant to this chapter shall be deposited in the state treasury in the account created in § 62-35-143 and shall be managed and expended in accordance with § 62-35-143(a)(2).

[62-26-202]

SECTION 2. Tennessee Code Annotated, Section 62-26-202(3), is amended by deleting the subdivision.

[62-26-204]

SECTION 3. Tennessee Code Annotated, Section 62-26-204(a), is amended by deleting the word “commission” and substituting “commissioner”.

[62-26-204]

SECTION 4. Tennessee Code Annotated, Section 62-26-204(c), is amended by deleting the subsection and substituting the following:

(c) Each private investigator licensed in accordance with this part shall maintain a business address to be recorded with the commissioner. A licensed private investigator under this part is not required to affiliate with a licensed investigations company.

[62-26-204]

SECTION 5. Tennessee Code Annotated, Section 62-26-204(d), is amended by deleting the subsection.

[62-26-205]

SECTION 6. Tennessee Code Annotated, Section 62-26-205(a)(4)(G), is amended by deleting “the commission of”.

PUBLIC CHAPTER NO. 294 (cont'd)**[62-26-206]**

SECTION 7. Tennessee Code Annotated, Section 62-26-206(b), is amended by deleting “promulgated by the commission”.

[62-26-212]

SECTION 8. Tennessee Code Annotated, Section 62-26-212(b), is amended by deleting “The commission may, in its discretion” and substituting “The commissioner may, in the commissioner’s discretion”.

[T. 62, ch. 26, part 2; 62-26-202; 62-26-204; 62-26-205; 62-26-206; 62-26-207; 62-26-208; 62-26-211; 62-26-212; 62-26-213; 62-26-214; 62-26-217; 62-26-219; 62-26-220; 62-26-224; 62-26-225; 62-26-226;]

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 26, Part 2, is amended by deleting the word “commission” wherever it appears and substituting “commissioner” except in § 62-26-202(6)(E).

[4-3-1304]

SECTION 10. Tennessee Code Annotated, Section 4-3-1304, is amended by deleting subdivision (a)(11) and redesignating the subsequent subdivisions.

[4-29-245]

SECTION 11. Tennessee Code Annotated, Section 4-29-245, is amended by deleting subdivision (a)(17).

[62-26-301]

SECTION 12. Notwithstanding § 4-29-112, the private investigation and polygraph commission, created by § 62-26-301, terminates and ceases to exist on June 30, 2021.

[T. 62, ch. 26, part 3; 62-26-301; 62-26-302; 62-26-303; 62-26-304; 62-26-305]

SECTION 13. Tennessee Code Annotated, Title 62, Chapter 26, Part 3, is amended by deleting the part.

[62-27-102]

SECTION 14. Tennessee Code Annotated, Section 62-27-102, is amended by deleting subdivision (1) and substituting:

“Commissioner” means the commissioner of commerce and insurance;

[62-27-117]

SECTION 15. Tennessee Code Annotated, Section 62-27-117(5), is amended by deleting “the commission of” wherever it appears.

PUBLIC CHAPTER NO. 294 (cont'd)**[62-27-123]**

SECTION 16. Tennessee Code Annotated, Section 62-27-123, is amended by deleting “any commission member, its” wherever it appears and substituting “the commissioner or the commissioner’s”.

[62-27-125]

SECTION 17. Tennessee Code Annotated, Section 62-27-125(1)(H), is amended by deleting “the private investigation and polygraph commission” and substituting “the commissioner”.

[62-27-126]

SECTION 18. Tennessee Code Annotated, Section 62-27-126(c), is amended by deleting the language “commission may, upon its own motion” and substituting “commissioner may, in the commissioner’s own discretion”.

[T. 62, ch. 27, part 1; 62-27-102; 62-27-105; 62-27-106; 62-27-107; 62-27-108; 62-27-109; 62-27-111; 62-27-112; 62-27-114; 62-27-115; 62-27-117; 62-27-118; 62-27-119; 62-27-122; 62-27-123; 62-27-125; 62-27-126; 62-27-129]

SECTION 19. Tennessee Code Annotated, Title 62, Chapter 27, Part 1, is amended by deleting “commission” wherever it appears and substituting “commissioner”.

[62-32-303]

SECTION 20. Tennessee Code Annotated, Section 62-32-303(1), is amended by deleting the subdivision and substituting the following:

(1) “Alarm system” means any electrical device, signaling device, or combination of those devices used to signal or detect a burglary, fire, robbery, or medical emergency.

[62-32-303]

SECTION 21. Tennessee Code Annotated, Section 62-32-303, is amended by deleting subdivision (4) and inserting the following as a new subdivision:

“Commissioner” means the commissioner of commerce and insurance;

[62-32-306]

SECTION 22. Tennessee Code Annotated, Section 62-32-306, is amended by deleting the section.

[62-32-307]

SECTION 23. Tennessee Code Annotated, Section 62-32-307, is amended by deleting subsection (b) and inserting the following:

The commissioner has the power to establish fees under § 62-32-318 sufficient to pay the annual expenses of administering this part.

PUBLIC CHAPTER NO. 294 (cont'd)**[62-32-308]**

SECTION 24. Tennessee Code Annotated, Section 62-32-308, is amended by deleting the section.

[62-32-310]

SECTION 25. Tennessee Code Annotated, Section 62-32-310, is amended by deleting the section.

[62-32-312]

SECTION 26. Tennessee Code Annotated, Section 62-32-312(9)(1), is amended by deleting the subdivision and substituting the following:

All alarm system contractor employees who sell, install, or repair alarm systems must successfully complete relevant training, as determined by the commissioner.

[62-32-312]

SECTION 27. Tennessee Code Annotated, Section 62-32-312(9)(3), is amended by deleting “, including closed circuit television systems”.

[62-32-313]

SECTION 28. Tennessee Code Annotated, Section 62-32-313(c), is amended by deleting the subsection and substituting the following:

An applicant for qualifying agent must satisfy the following educational and training criteria:

(1) The applicant must hold a post-high-school degree from an accredited university, college, or technical college approved by the commissioner; or

(2) The applicant must hold a current certification by a national training program approved by the commissioner in the field of work to be installed, serviced, or monitored, and have at least three (3) years of working experience in the alarm industry covering the actual installation of alarm systems.

[62-32-313]

SECTION 29. Tennessee Code Annotated, Section 62-32-313(m), is amended by deleting the subsection.

[62-32-314]

SECTION 30. Tennessee Code Annotated, Section 62-32-314(b), is amended by deleting “board’s” and substituting “commissioner’s”.

[62-32-323]

SECTION 31. Tennessee Code Annotated, Section 62-32-323, is amended by deleting the section.

PUBLIC CHAPTER NO. 294 (cont'd)

[T. 62, ch. 32, part 3; 62-32-303; 62-32-304; ; 62-32-307; ; 62-32-309; ; 62-32-311; 62-32-312; 62-32-313; 62-32-314; 62-32-315; 62-32-316; 62-32-317; 62-32-318; 62-32-319; 62-32-320; 62-32-323]

SECTION 32. Tennessee Code Annotated, Title 62, Chapter 32, Part 3, is amended by deleting “board” wherever it appears and substituting “commissioner”.

[62-32-320]

SECTION 33. Tennessee Code Annotated, Section 62-32-320(b), is amended by deleting the first sentence.

[62-35-137]

SECTION 34. Tennessee Code Annotated, Section 62-35-137, is amended by deleting the section.

[62-35-143]

SECTION 35. Tennessee Code Annotated, Title 62, Chapter 35, is amended by adding the following as a new section:

62-35-143.

(a)

(1) The detection services licensing program includes the commissioner’s implementation of the requirements of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title.

(2)

(A) All moneys collected pursuant to this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title are deposited in the state treasury in a separate account for the administration of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title, which is governed by § 56-1-310.

(B) Notwithstanding subdivision (a)(2)(A), disbursements from the account may be made for the purpose of defraying expenses incurred in the implementation and enforcement of chapter 11 of this title.

(b) The commissioner may establish a detection services advisory committee for the purpose of assisting the commissioner with the implementation of the detection services licensing program described in subdivision (a)(1).

(c) If the commissioner establishes the committee pursuant to subsection (b), then the committee may include eleven (11) members as follows:

(1) Three (3) members representing the alarm industry;

(2) Three (3) members representing the private investigation industry;

PUBLIC CHAPTER NO. 294 (cont'd)

(3) Three (3) members representing the private security industry;

(4) One (1) polygraph examiner; and

(5) One (1) public member who is not eligible for membership under subdivisions (c)(1)-(4).

(d) The commissioner shall strive to achieve a diverse membership that represents the citizenry of Tennessee.

(e) The committee is administratively attached to the department's division of regulatory boards.

(f) Committee members shall receive no compensation but are reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter. All reimbursement for expenses must be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

[62-35-143]

SECTION 36. All moneys of boards, commissions, and regulatory funds eliminated by this act shall be transferred to the account created in Section 35 of this act. All other resources of boards, commissions, and regulatory funds eliminated by this act shall be transferred to the detection services licensing program created in Section 35 of this act.

[Effective date 7/1/2021]

SECTION 37. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. Sections 11 and 12 take effect upon becoming a law, the public welfare requiring it. For all other purposes, all remaining sections of this act take effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 295**HOUSE BILL NO. 820****By Representative Holsclaw**

Substituted for: Senate Bill No. 426

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 17, Part 1; Section 8- 21-205 and Title 48, Chapter 101, Part 5, relative to certain funds collected by the department of state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[3-17-104]

SECTION 1. Tennessee Code Annotated, Section 3-17-104(c), is amended by adding the following new, appropriately designated subdivision:

Notwithstanding subdivision (c)(1), for the period of July 1, 2021, through January 31, 2022, the initial application fee referenced in subdivision (c)(1) is ten dollars (\$10.00) rather than fifty dollars (\$50.00).

[3-17-104]

SECTION 2. Tennessee Code Annotated, Section 3-17-104(c)(2), is amended by deleting the language “and the Tennessee bureau of investigation to defray the cost of administering this chapter, including but not limited to, the cost of investigations pursuant to § 3-17-113” and substituting instead the language “to defray the cost of operating the division of the department of state administering this chapter, including, but not limited to, conducting investigations pursuant to § 3-17-113”.

[3-17-104]

SECTION 3. Tennessee Code Annotated, Section 3-17-104(c), is amended by adding the following new, appropriately designated subdivision:

Notwithstanding subdivision (c)(2), for the time period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (c)(2) is ten dollars (\$10.00) rather than the fees established in subdivision (c) (2) and by rule promulgated by the secretary of state.

[3-17-106]

SECTION 4. Tennessee Code Annotated, Section 3-17-106(a), is amended by adding the following new, appropriately designated subdivision:

Notwithstanding subdivision (a)(2), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (a)(2) is ten dollars (\$10.00) rather than twenty-five dollars (\$25.00).

PUBLIC CHAPTER NO. 295 (cont'd)

[8-21-205]

SECTION 5. Tennessee Code Annotated, Section 8-21-205, is amended by deleting the language “for continuing improvement of its filing, service and copying duties” and substituting instead the language “to defray the cost of operating the division of the department of state administering the acts referenced in this section”.

[48-101-504]

SECTION 6. Tennessee Code Annotated, Section 48-101-504(b), is amended by designating the existing language as subdivision (1) and adding the following new subdivision:

(2) Notwithstanding subdivision (b)(1), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (b)(1) is ten dollars (\$10.00) rather than fifty dollars (\$50.00).

[48-101-506]

SECTION 7. Tennessee Code Annotated, Section 48-101-506(c), is amended by adding the following language as a new, appropriately designated subdivision:

Notwithstanding subdivision (c)(1), for the period of July 1, 2021, through June 30, 2022, the registration renewal fee is ten dollars (\$10.00) regardless of the organization’s gross revenue.

[48-101-506]

SECTION 8. Tennessee Code Annotated, Section 48-101-506(f), is amended by designating the existing language as subdivision (1) and adding the following as new subdivision:

(2) Notwithstanding subdivision (f)(1), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (f)(1) is ten dollars (\$10.00) rather than twenty-five dollars (\$25.00).

[48-101-507]

SECTION 9. Tennessee Code Annotated, Section 48-101-507(a), is amended by adding the following language as a new, appropriately designated subdivision:

Notwithstanding subdivision (a)(4), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (a)(4) is ten dollars (\$10.00) rather than twenty-five dollars (\$25.00).

[48-101-507]

SECTION 10. Tennessee Code Annotated, Section 48-101-507(a), is amended by adding the following language as a new, appropriately designated subdivision:

PUBLIC CHAPTER NO. 295 (cont'd)

Notwithstanding subdivision (a)(6), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subdivision (a)(6) is ten dollars (\$10.00) rather than two hundred fifty dollars (\$250).

[48-101-507]

SECTION 11. Tennessee Code Annotated, Section 48-101-507(b), is amended by adding the following language as a new, appropriately designated subdivision:

Notwithstanding subdivision (b)(2), for the period of July 1, 2021, through June 30, 2022, the fee referenced in subsection (b)(2) is ten dollars (\$10.00) rather than twenty-five dollars (\$25.00).

[48-101-517]

SECTION 12. Tennessee Code Annotated, Section 48-101-517, is amended by deleting the section in its entirety and substituting instead the following:

The secretary of state shall use funds collected under this part to defray the cost of operating the division of the department of state administering this part.

[Effective date 7/1/2021]

SECTION 13. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 296

HOUSE BILL NO. 938

By Representatives Sparks, Jerry Sexton, Campbell, Travis, Hurt, Baum, Warner, Calfee, Eldridge, Smith, Hall, Lafferty, Grills, Doggett, Hulsey, Reedy, Wright, Moon, Hakeem, Windle, Cepicky, Weaver, Jernigan, Casada, Ramsey, Harris, Kumar, White, Carringer, Boyd, Tim Hicks, Lynn, Faison, Griffey, Gillespie, Todd, Rudd, McKenzie, Sherrell, Camper, Shaw, Mr. Speaker Sexton, Stewart, Carr, Alexander, Moody, Terry, Howell, Helton

Substituted for: Senate Bill No. 1416

By Senators Akbari, Bowling, Swann, Gilmore, Southerland, Rose

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 1, Part 3, relative to state symbols.

WHEREAS, it is fitting that this General Assembly should recognize songs of historic significance that have influenced this State; and

WHEREAS, John Newton struggled against the temptation of profits earned by merchants and slavers and uncertainty as to his religious belief during the first two decades of his life; and

WHEREAS, Mr. Newton's life, rife with "dangers, toils and snares," frequently made him feel as though he had been miraculously spared, despite his struggles; and

WHEREAS, he experienced a spiritual conversion after his ship was caught in a severe storm in 1748; he began reading the Bible and other religious literature during the remainder of his return journey to England; and

WHEREAS, he worked over the next sixteen years to become ordained as a priest with the church and was finally successful in 1764; and

WHEREAS, he became well-known both for his pastoral care and beliefs, and was offered the parish in Olney, England; and

WHEREAS, during his first year serving in Olney, he wrote the hymn "Amazing Grace," which became one of the most celebrated songs in modern history; and

WHEREAS, Mr. Newton's conversion from a merchant and slaver to a man of faith led him to speak out against slavery, and although many of England's large port cities greatly benefited from the slave trade, Mr. Newton and other social critics began to speak out against the practice; and

WHEREAS, by the 1780s, William Wilberforce, a member of Parliament and the nephew of one of Newton's friends in London, added his voice to this critique; and

PUBLIC CHAPTER NO. 296 (cont'd)

WHEREAS, Mr. Wilberforce was inspired by and felt that his own conversion paralleled Mr. Newton's, and upon Mr. Newton's encouragement used his money and influence to support abolition of the slave trade; and

WHEREAS, Mr. Newton continued to support the abolishment of slavery until it was finally passed by the House of Commons in 1804; and

WHEREAS, he spent the remainder of his life as a priest in Olney, working to help others find a deeper understanding and love through their faith; and

WHEREAS, "Amazing Grace" has since been recorded by various artists with strong connections to Tennessee, including Dolly Parton, Elvis Presley, Tennessee Ernie Ford, the Spirit of Memphis Quartet, the Fairfield Four, Willie Nelson, Aretha Franklin, Little Richard, the Oak Ridge Boys, Merle Haggard, Alan Jackson, Garth Brooks, Glen Campbell, Cece Winans, Michael W. Smith, Chris Tomlin, and Steven Curtis Chapin; and

WHEREAS, it is appropriate that this body should formally recognize "Amazing Grace" as a State song; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-1-302]

SECTION 1. Tennessee Code Annotated, Section 4-1-302, is amended by adding the following as a new subdivision:

() "Amazing Grace" by John Newton, as adopted by this act;

[Effective date 4/30/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 297

HOUSE BILL NO. 968

By Representatives Holsclaw, Harris, Hazlewood

Substituted for: Senate Bill No. 933

By Senator Crowe

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 54 and Title 7, Chapter 53, relative to housing incentives.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[6-54-118]

SECTION 1. Tennessee Code Annotated, Section 6-54-118, is amended by adding the following sentence at the end of subdivision (a)(1):

In counties recognized by the department of economic and community development as tier 3 or tier 4 counties, economic development, for purposes of this section, includes providing incentives in a manner approved by the governing body of the municipality to promote the development of single-family housing.

[7-53-101]

SECTION 2. Tennessee Code Annotated, Section 7-53-101(15), is amended by adding the following as a new subdivision:

(J) In counties recognized by the department of economic and community development as tier 3 or tier 4 counties, incentives pursuant to a program approved by the governing body of the municipality to promote the development of single-family housing.

[Effective date 4/30/2021]

SECTION 3. This act takes effect upon becoming law, the public welfare requiring it.

PUBLIC CHAPTER NO. 298**HOUSE BILL NO. 1064**

By Representatives Curcio, Garrett, Faison, White, Thompson, Parkinson, Tim Hicks, Hazlewood, Helton, Chism, Mannis, Camper

Substituted for: Senate Bill No. 803

By Senators Yager, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 12; Title 40; Title 41, Chapter 4; Title 41, Chapter 8; Title 49, Chapter 11; Title 49, Chapter 8; Title 55, Chapter 50 and Section 62-76-104, relative to offender reentry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-29-108]

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

(a) In any proceeding on a claim against a landlord for negligence in renting, leasing, or otherwise extending housing opportunities to a person who has been previously convicted of a criminal offense, a landlord is not liable based solely upon the fact that the person has been previously convicted of a criminal offense.

(b) In a cause of action against a landlord for negligence in renting, leasing, or otherwise extending housing opportunities to a person who has been previously convicted of a criminal offense, evidence that the person has been previously convicted of a criminal offense is not admissible.

(c) Subsections (a) and (b) do not apply when:

(1) The landlord had actual knowledge of the person's prior conviction for a violent offense, as defined in § 40-35-120(b) or a violent sexual offense, as defined in § 40-39-202; or

(2) The landlord, having actual knowledge of the person's commission of a violent offense, as defined in § 40-35-120(b), or a violent sexual offense, as defined in § 40-39-202, after beginning of the person's tenancy, was willful in allowing the person to continue to rent, lease, or otherwise use housing opportunities.

(d) This section does not create a cause of action or expand an existing cause of action.

(e) The provisions of § 1-3-119 relative to implied rights of action apply to this section.

(f) As used in this section, "landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which the unit is a part, the manager of the premises, and employees and agents of the owner, lessor, or sublessor.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 299**HOUSE BILL NO. 1570****By Representatives Cochran, Russell, Cepicky, Hardaway**

Substituted for: Senate Bill No. 1579

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-1-619]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

(a) The commissioner of education shall obtain approval from the state board of education for changes to the formula used to calculate school or LEA performance goals and measures established pursuant to this part.

(b) To ensure stakeholder input, before submitting a proposal to the state board to change the formula used to calculate performance goals and measures for schools or LEAs, the commissioner shall convene a working group that includes, but is not limited to:

(1) The chair of the education administration committee of the house of representatives;

(2) The chair of the education instruction committee of the house of representatives;

(3) The chair of the education committee of the senate;

(4) The executive director of the state board of education;

(5) A representative from the Tennessee organization of school superintendents;

(6) A representative from the Tennessee school boards association;

(7) A public school teacher employed at a school located:

(A) In an urban area in this state;

(B) In a suburban area in this state; and

(C) In a rural area in this state; and

(8) A parent of a child who is enrolled in a public school in this state. For the purposes of this subdivision (b)(8), "parent" includes the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

(c) To ensure meaningful stakeholder engagement, the commissioner shall provide relevant materials in advance of a convening of the working group required by subsection (b), to provide

PUBLIC CHAPTER NO. 299 (cont'd)

adequate time for working group members to gather feedback from the members' respective peers.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 300**SENATE BILL NO. 271****By Yager**

Substituted for: House Bill No. 229

By Vaughan, Moody, Tim Hicks

AN ACT to amend Tennessee Code Annotated, Title 13 and Title 65, Chapter 31, relative to natural gas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[13-3-414]

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 3, Part 4, is amended by adding the following as a new section:

(a) For a new residential or nonresidential development that is located in whole or in part within six hundred sixty feet (660') of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the developer must notify the operator of the natural gas transmission pipeline of the planned development no later than ten (10) days from the date of application for approval of the development, or ninety (90) days prior to commencement of construction, whichever is earlier.

(b) The developer of the development shall provide on a final plat filed with the regional planning commission a note on the plat stating:

The developer has utilized reasonable means to notify the operator of the pipeline to verify the location of the pipeline and the pipeline easement. The developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator.

(c) Within sixty (60) days of the effective date of this act, regional planning commissions shall gather raw National Pipeline Mapping System (NPMS) geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the United States department of transportation. A regional planning commission is immune from liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.

(d) Upon receiving notice of the filing of a preliminary development plan in accordance with this section, a pipeline operator shall provide pipeline location information to the developer within forty-five (45) days, including, but not limited to, the easement or other documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps.

PUBLIC CHAPTER NO. 300 (cont'd)

(e) No later than August 15, 2021, a pipeline operator shall file the name of its registered agent with the regional planning commission having jurisdiction.

(f) This section does not exempt developers or natural gas pipeline operators from the requirements of the Underground Utility Damage Protection Act, compiled in title 65, chapter 31.

(g) This section applies only to:

(1) Counties and municipalities that are governed by a regional planning commission for purposes of approving residential and nonresidential developments; and

(2) Preliminary development plans filed on or after the effective date of this act.

(h) A regional planning commission shall not give final approval to a development described under subsection (a) until the requirements of this section have been satisfied. A regional planning commission may rely solely upon the note submitted under subsection (b), the geospatial data gathered under subsection (c), and the recordation required under subsection (e) when determining whether the requirements of this section have been satisfied for purposes of granting final approval of such development. A regional planning commission is immune from liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection (h).

(i) As used in this section:

(1) "Natural gas transmission pipeline" means an interstate pipeline, as that term is defined in 15 U.S.C. § 3301(15);

(2) "Operator" means a person who engages in the transportation of gas, as that term is defined in 49 CFR § 192.3;

(3) "Person" means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof, as that term is defined in 49 CFR § 192.3; and

(4) "Preliminary development plan" has the same meaning as defined in § 13-3-413(k)(6).

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 301**SENATE BILL NO. 566****By Bowling, Yager**

Substituted for: House Bill No. 676

By Garrett, Tim Hicks, Hazlewood, Todd

AN ACT to amend Tennessee Code Annotated, Title 26, Chapter 2, Part 3, relative to homestead exemptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[26-2-301]

SECTION 1. Tennessee Code Annotated, Section 26-2-301(a), is amended by deleting the language “five thousand dollars (\$5,000)” wherever it appears and substituting instead “thirty-five thousand dollars (\$35,000)”, and by deleting “seven thousand five hundred dollars (\$7,500)” and substituting instead “fifty-two thousand five hundred dollars (\$52,500)”.

[26-2-301]

SECTION 2. Tennessee Code Annotated, Section 26-2-301, is amended by deleting subsections (e) and (f).

[26-2-304]

SECTION 3. Tennessee Code Annotated, Section 26-2-304, is amended by deleting the language “five thousand dollars (\$5,000)” and substituting instead “thirty-five thousand dollars (\$35,000)”.

[26-2-309]

SECTION 4. Tennessee Code Annotated, Section 26-2-309, is amended by deleting the language “five thousand dollars (\$5,000)” wherever it appears and substituting instead “thirty-five thousand dollars (\$35,000)”.

[Effective date 1/1/2022]

SECTION 5. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 302

SENATE BILL NO. 626

By Bell

Substituted for: House Bill No. 1193

By Garrett, Hazlewood, Todd

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10, relative to the registry of election finance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-10-209]

SECTION 1. Tennessee Code Annotated, Section 2-10-209, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) Notwithstanding any law to the contrary, the registry may, in lieu of filing the petition through the attorney general and reporter, retain private outside counsel to pursue the collection of unpaid civil penalties assessed by order of the registry. The venue for such a suit is the county in which the defendant resides.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 303**SENATE BILL NO. 708****By Watson**

Substituted for: House Bill No. 983

By Hazlewood, Smith

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 9; Title 4; Title 8 and Title 67, relative to the council on pensions and insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 3, ch. 9; T. 3, ch. 9, part 1; 3-9-101; 3-9-102; 3-9-203]

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 9, is amended by deleting the language “council on pensions and insurance” wherever it appears and substituting the language “council on pensions”.

[3-9-103]

SECTION 2. Tennessee Code Annotated, Section 3-9-103(c), is amended by deleting the language:

Bills reported out of the council shall not be considered by a standing committee unless the committee amendment of the council is attached to the bill.

[3-9-104]

SECTION 3. Tennessee Code Annotated, Section 3-9-104, is amended by deleting the section.

[4-29-246]

SECTION 4. Tennessee Code Annotated, Section 4-29-246(a)(12), is amended by deleting the subdivision and substituting the following:

Council on pensions, created by § 3-9-101;

[8-25-203]

SECTION 5. Tennessee Code Annotated, Section 8-25-203(f), is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

[8-27-203]

SECTION 6. Tennessee Code Annotated, Section 8-27-203(a)(3), is amended by deleting the language “Council on Pensions and Insurance” and substituting the language “council on pensions”.

PUBLIC CHAPTER NO. 303 (cont'd)**[8-34-302]**

SECTION 7. Tennessee Code Annotated, Section 8-34-302(a)(8), is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

[8-34-505]

SECTION 8. Tennessee Code Annotated, Section 8-34-505, is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

[8-36-124]

SECTION 9. Tennessee Code Annotated, Section 8-36-124(a)(3)(B), is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

[8-37-104]

SECTION 10. Tennessee Code Annotated, Section 8-37-104(a)(3), is amended by deleting the language “council on pensions and insurance” wherever it appears and substituting the language “council on pensions”.

[8-37-114]

SECTION 11. Tennessee Code Annotated, Section 8-37-114(a), is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

[67-4-605]

SECTION 12. Tennessee Code Annotated, Section 67-4-605(c), is amended by deleting the language “council on pensions and insurance” and substituting the language “council on pensions”.

SECTION 13. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 304**SENATE BILL NO. 1285****By White**

Substituted for: House Bill No. 1312

By Terry, Crawford, Hardaway, Moody, Smith, Hazlewood, Littleton, Todd,
Helton

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 37;
Title 38; Title 39; Title 40 and Title 55, relative to photographs of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by
adding the following as a new subsection:

(aa)(1) Photographic evidence of a fatal motor vehicle accident that
depicts a deceased minor victim at the scene of the accident shall be
treated as confidential and shall not be open for inspection by members
of the public.

(2) The custodial parent or legal guardian of the deceased
minor victim whose photograph is made confidential pursuant to
subdivision (aa)(1) may waive confidentiality and allow the minor
victim's photograph to be used and obtained in the same manner as
other public records.

(3) This subsection (aa) does not:

(A) Restrict the application of Rule 16 of the Tennessee
Rules of Criminal Procedure in any court or the disclosure of information
required of counsel by the state or federal constitution;

(B) Limit or deny access to otherwise public information
because a file, document, or data file contains a photograph made
confidential by subdivision (aa)(1); provided, that the photograph must
be removed before any access is granted to a member of the public; or

(C) Limit access to records by law enforcement agencies,
courts, or other governmental agencies engaged in investigating or
prosecuting a criminal offense.

(4) As used in this subsection (aa), "photographic evidence" and
"photograph" mean any photograph or photographic reproduction, still
or moving, or any videotape.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 305**SENATE BILL NO. 1440****By Akbari**

Substituted for: House Bill No. 581

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 34, relative to guardianships and conservatorships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[34-1-106]

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by deleting the subsection and substituting:

The petitioner shall give notice to the closest relative of the respondent required to be named in the petition and to the person, if any, having care or custody of the respondent, institution, or residential provider with whom the respondent is living by certified mail or personal service in accordance with the Tennessee Rules of Civil Procedure. If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home- and community-based waiver services or intermediate care facility/intellectual disability (ICF/IQ) services.

[34-1-108]

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home- and community-based waiver services or intermediate care facility/intellectual disability (ICF/IQ) services.

PUBLIC CHAPTER NO. 305 (cont'd)

[34-3-105]

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports and documents prepared under this section are confidential and are not open for inspection by the public. However, this section does not:

(1) Limit the respondent or the respondent's agent or attorney from having access to any such reports or documents about the respondent; or

(2) Prohibit an investigative body from accessing any such reports or documents as authorized or required by law.

[34-3-106]

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

[34-1-114]

SECTION 5. Tennessee Code Annotated, Section 34-1-114, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), the petitioner is responsible for the court costs necessary for initiating proceedings, including filing fees and costs associated with required notices and publication. At any point in the proceedings, in the court's discretion, such costs may be charged according to subsection (a) and the petitioner may be reimbursed.

[34-1-105, 34-1-108, 34-3-105, 34-3-106, 34-1-114]

SECTION 6. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

[Effective date 5/4/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 306**SENATE BILL NO. 1534****By Roberts, Jackson, Stevens**

Substituted for: House Bill No. 966

By Garringer, Griffey, Crawford, Smith, Powers, Moody, Todd, Travis,
Keisling, Lynn, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 2, relative to private funding for elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-11-114]

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 11, Part 1, is amended by adding the following as a new section:

(a) The state election commission, secretary of state, or coordinator of elections may only accept funding from appropriations of public funds from the United States government, the state of Tennessee, or a county or municipality in this state. The state election commission, secretary of state, or coordinator of elections shall not accept or expend any grant, gift, or funding from private persons, corporations, organizations, or political parties for conducting an election unless such acceptance or expenditure is approved by the speaker of the senate and the speaker of the house of representatives.

(b) The state election commission, secretary of state, and coordinator of elections may collect and expend fees authorized by law in this state.

(c) This section does not apply to election information advertising, donation of use of a location for voting purposes, volunteer labor by citizens of this state, pens, sanitizer, or nominal items.

[2-12-118]

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 12, Part 1, is amended by adding the following as a new section:

(a) The county election commission or the administrator of elections may only accept funding from appropriations of public funds from the United States government, the state of Tennessee, or a county or municipality in this state. The county election commission or the administrator of elections shall not accept or expend any grant, gift, or funding from private persons, corporations, organizations, partnerships, or political parties for conducting an election unless such acceptance or expenditure is approved by the secretary of state or designee of the secretary of state.

(b) The county election commission and the administrator of elections may collect and expend fees authorized by law in this state.

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(c) This section does not apply to election information advertising, donation of use of a location for voting purposes, volunteer labor by citizens of Tennessee, pens, sanitizer, or nominal items.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 307**HOUSE BILL NO. 54****By Representatives Marsh, Hazlewood**

Substituted for: Senate Bill No. 374

By Senator Walley

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 28 and Title 65, Chapter 31, relative to utility facilities safety enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[65-31-102]

SECTION 1. Tennessee Code Annotated, Section 65-31-102, is amended by adding the following as a new subdivision:

() "Damage notice" means a notification made to the one-call service by a person who has caused damage to an underground facility;

[65-31-106]

SECTION 2. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting the following:

The location of the proposed area of excavation or demolition shall be designated by the person responsible for the excavation or demolition by marking such area with "safety white" color-coded stakes or white paint, unless:

and substituting the following:

The person responsible for the excavation or demolition shall designate the location of the proposed area of excavation or demolition by marking the area, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with "safety white" color-coded stakes or white paint, unless:

[65-31-107]

SECTION 3. Tennessee Code Annotated, Section 65-31-107(b)(1)(E), is amended by deleting the language "fines and".

[65-31-108]

SECTION 4. Tennessee Code Annotated, Section 65-31-108(a)(1)(A), is amended by adding the following language after the first sentence:

The operator shall not charge the person giving notice to the one-call service, the excavator, or property owner for the marking of its facilities. However, an operator may recover the costs of the marking of its facilities from customers in an appropriate ratemaking procedure.

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[65-31-108]

SECTION 5. Tennessee Code Annotated, Section 65-31-108, is amended by deleting subsection (c) and substituting the following:

(c) An excavator shall exercise reasonable care to avoid damage caused by an excavation or demolition within the safety zone around the marked location of the underground utilities by hand digging when practical, utilizing pneumatic hand tools, or utilizing mechanical or technical methods approved by the facility owner or operator. Hand digging and non-invasive methods are not required for removal of pavement or concrete. As used in this subsection (c), "safety zone" means a strip of land at least four feet (4') wide, but not wider than the width of the utility plus two feet (2') on either side of the utility.

[65-31-111]

SECTION 6. Tennessee Code Annotated, Section 65-31-111, is amended by deleting the section and substituting the following:

(a) Except as provided by subsection (b), each person responsible for any excavation or demolition operation described in § 65-31-104 that results in any damage to an underground utility shall, immediately upon discovery of the damage, submit a damage notice to the one-call service, notify the operator of the utility of the location and nature of the damage, and allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of the utility.

(b) If an excavation or demolition results in damage to an underground utility that permits the escape of any flammable, toxic, or corrosive gas or liquid, then the person damaging the underground utility shall, immediately upon discovery of the damage, notify the operator, notify police and fire departments through the 911 service or other emergency communications system, submit a damage notice to the one-call service, and take any other action as may be reasonably necessary to protect persons and property and to minimize the hazards until arrival of the operator or police and fire departments.

(c) The reporting requirements established in subsections (a) and (b) apply equally to all types of excavation or demolition activities. However, persons engaged in activities described in § 65-31-102(9)(B)(i)-(iv) are not required to submit a damage notice to the one-call service.

(d) During initial excavation, if an underground utility is found to be unsound due to deterioration, then the person responsible for excavation shall immediately notify the utility company involved and allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of the utility.

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(e) The financial impact of all damages to underground utilities must be calculated using generally accepted accounting principles (GMP).

(f) Each operator whose utility facilities have been damaged as described in this section shall report the incident using the Damage Information Reporting Tool (DIRT) utilized by Common Ground Alliance or by filing a damage notice with the one-call system. If a report is made by filing a damage notice with the one-call service, then the one-call service may submit a report of the incident report to DIRT.

[65-31-112]

SECTION 7. Tennessee Code Annotated, Section 65-31-112(a), is amended by deleting the language “two thousand five hundred dollars (\$2,500)” in subdivision (2) and substituting the language “ten thousand dollars (\$10,000)”, deleting the language “five thousand dollars (\$5,000)” in subdivision (3) and substituting “fifteen thousand dollars (\$15,000)”, and adding the following as a new subdivision:

(4) Operators who fail to join the one-call service and utilize the services of the notification center as required by § 65-31-107 are only subject to the civil penalties described in subdivisions (a)(2) and (3).

[65-31-114]

SECTION 8. Tennessee Code Annotated, Section 65-31-114(f)(3), is amended by deleting the language “one-year terms” in subdivision (A) and substituting the language “three-year terms”, and deleting the language “one-year terms” in subdivision (C) and substituting the language “three-year terms”.

[65-31-117]

SECTION 9. Tennessee Code Annotated, Section 65-31-117(b), is amended by deleting the language “, and no grants shall be given for this purpose after January 1, 2018” in subdivision (1), and deleting subdivision (2) and substituting the following:

(2) Providing public awareness, educational programs or materials, and compliance training in a manner and by vendors determined and selected by the board.

[65-31-120]

SECTION 10. Tennessee Code Annotated, Section 65-31-120, is amended by deleting the language “§ 65-31-102(8)(B)” in subsection (a) and substituting the language “§ 65-31-102(9)(B)” and deleting subsection (b).

[65-28-108]

SECTION 11. Tennessee Code Annotated, Section 65-28-108(a), is amended by deleting the language “ten thousand dollars (\$10,000)” and substituting the language “one hundred thousand dollars (\$100, 000)” and deleting the language

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“five hundred thousand dollars (\$500,000)” and substituting the language “one million dollars (\$1,000,000)”.

[Effective date 7/1/2021]

SECTION 12. This act takes effect July 1, 2021, the public welfare requiring it, and applies to conduct occurring on or after that date.

PUBLIC CHAPTER NO. 308**HOUSE BILL NO. 146**

**By Representatives Smith, Terry, Rudd, Alexander, Parkinson,
Hardaway, Moody, Calfee**

Substituted for: Senate Bill No. 145

By Senators Watson, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 9; Title 12, Chapter 4; Title 13; Title 41; Title 42; Title 49; Title 54; Title 55 and Title 71, relative to federal funds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-1-124]

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section:

71-1-124.

(a) Notwithstanding any law to the contrary, the commissioner shall submit a report quarterly to the persons identified in subsection (c) detailing the department's access to and use of federal funds. The report may be submitted electronically.

(b) The report must include information, in the aggregate and per program, regarding:

(1) The amount and source of federal funds available to be spent by the department in the current fiscal year;

(2) The amount of federal funds budgeted to be spent and expected to be actually spent in the current fiscal year;

(3) The amount and percentage of federal funds set aside as reserve, both cumulatively and in the current fiscal year;

(4) Whether there are restrictions or requirements under federal law on how federal funds can be spent, and what those restrictions or requirements are;

(5) Whether there are restrictions or requirements under state law on how federal funds can be spent, and what those restrictions or requirements are;

(6) Whether and how the restrictions or requirements described in subdivisions (b)(4)-(5) prevented the department's expenditure of federal funds; and

(7) Whether unspent federal funds available to the department carry over to the next fiscal year or are lost.

(c) Persons to whom the commissioner must submit the report include:

(1) The speakers of the house of representatives and the senate;

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(2) The chief clerks of the house of representatives and the senate;

(3) The chairs of the finance, ways and means committees of the house of representatives and the senate;

(4) The chairs of the health committee of the house of representatives and the health and welfare committee of the senate;

(5) The executive director of the general assembly's fiscal review committee, for distribution to the members of the committee;

(6) The directors of the office of legislative budget analysis; and

(7) The legislative librarian.

(d) For purposes of this section, "program" includes programs administered by the department for adult and family services, child support, and rehabilitation services, including:

(1) The child care benefits program;

(2) The temporary cash assistance program, through the state's temporary assistance to needy families (TANF) program;

(3) The supplemental nutrition assistance program (SNAP);

(4) The child support enforcement program;

(5) Rehabilitation services; and

(6) The disability determination program.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 309**HOUSE BILL NO. 215**

By Representatives Curcio, Smith, Hazlewood, Love, Todd, Whitson

Substituted for: Senate Bill No. 207

By Senators Haile, Powers, Massey

AN ACT to amend Tennessee Code Annotated, Title 6; Title 33; Title 47; Title 63 and Title 68, relative to alcohol and drug services.

WHEREAS, on October 24, 2018, President Donald J. Trump signed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act into law; and

WHEREAS, the SUPPORT for Patients and Communities Act required the Substance Abuse and Mental Health Services Administration (SAMHSA) to develop best practices for operating recovery residences; and

WHEREAS, on October 8, 2019, SAMHSA published these best practices and suggested guidelines as Ten Guiding Principles; and

WHEREAS, the General Assembly finds that recovery residences are a key strategy to assist individuals living with substance use disorder in achieving and maintaining recovery; and

WHEREAS, it is critical that these residences function with evidence-based practices and sound operating procedures that center on a safe, sober living environment in which individuals can gain access to community supports and therapeutic services to advance their recovery; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the “Stopping Addiction and Fostering Excellence (SAFE) Act.”

[6-54-145]

SECTION 2. Tennessee Code Annotated, Section 6-54-145, is amended by deleting the section and substituting instead the following:

6-54-145. Municipal notice requirements.

(a) A municipality shall display in the city hall or other building that houses the municipality’s seat of local government, a sign at least eleven inches (11”) in height and seventeen inches (17”) in width stating:

PURSUANT TO TENNESSEE CODE ANNOTATED, § 33-2-405, IT IS UNLAWFUL FOR A PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION TO OWN OR OPERATE A SERVICE OR FACILITY THAT PROVIDES ALCOHOL AND DRUG ABUSE PREVENTION AND/OR TREATMENT WITHIN THE MEANING OF TITLE 33 OF THE TENNESSEE CODE ANNOTATED WITHOUT

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HAVING OBTAINED A LICENSE. A VIOLATION OF THIS REQUIREMENT IS A CLASS B MISDEMEANOR. EACH DAY OF OPERATION WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE. REPORT ANY SUSPECTED UNLICENSED ALCOHOL AND DRUG ABUSE PREVENTION AND/OR TREATMENT SERVICES TO THE TENNESSEE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES' OFFICE OF LICENSURE BY DIALING [WEST TENNESSEE LICENSURE OFFICE PHONE NUMBER; MIDDLE TENNESSEE LICENSURE OFFICE PHONE NUMBER; OR EAST TENNESSEE LICENSURE OFFICE PHONE NUMBER, AS APPLICABLE TO THE LOCATION OF THE MUNICIPALITY].

(b) If a municipality maintains a website, then the notice required under subsection (a) must be placed prominently on the municipality's website.

(c) As used in this section, "municipality" means an incorporated city or town, or a county with a metropolitan form of government.

[33-2-402]

SECTION 3. Tennessee Code Annotated, Section 33-2-402, is amended by deleting subdivision (3) and substituting instead the following:

(3) "Alcohol and drug services" includes evaluation, treatment, residential personal care, habilitation, rehabilitation, counseling, or supervision of persons with substance use disorder, or services to persons designed to prevent substance use disorder that either receive funds from the department of health or assess fees for services provided; however, a DUI school operated by a state institution of higher education is not considered alcohol and drug services for purposes of this part;

[33-2-424]

SECTION 4. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following as a new section:

33-2-424. Prohibited practices generally.

(a) A treatment facility shall not:

(1) Refer drug tests to an out-of-network laboratory if an in-network laboratory is reasonably available to meet the patient's drug testing needs;

(2) Order or perform confirmatory testing in the absence of a documented medical or legal need for the testing;

(3) Enter into any contract or agreement with a third-party payor that includes any inducement or incentive to reduce or limit services to a level or duration below what is in the best clinical interest of the patient; or

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(4) Request, receive, or retain payment for substance use disorder treatment services provided to a patient as a result of conduct described in subdivision (a)(1), (a)(2), or (a)(3).

(b) In addition to any other punishment authorized by law, an entity that knowingly violates this section is subject to suspension or revocation of the entity's license pursuant to § 33-2-407 and the imposition of civil penalties under § 33-2-409.

(c) As used in this section, "treatment facility" means a developmental center, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital, community mental health center, counseling center, clinic, group home, halfway house, or any other entity that provides a mental health, intellectual, or developmental disability service or an alcohol and drug abuse prevention and/or treatment facility.

[T. 33, ch. 2, part 14; 33-2-1401; 33-2-1402; 33-2-1403]

SECTION 5. Tennessee Code Annotated, Title 33, Chapter 2, is amended by adding the following as a new part:

33-2-1401. Part definitions.

As used in this part:

(1) "Alcohol and drug prevention and/or treatment facility" or "ADTF" means an institution, treatment resource, group residence (boarding home, sheltered workshop, activity center), rehabilitation center, hospital, community mental health center, nonresidential office-based opiate treatment facility, nonresidential substitution-based treatment center for opiate addiction, DUI school, counseling center, clinic, halfway house, recovery residence, or other entity, by these or other names, providing alcohol and drug services; however, a DUI school operated by a state institution of higher education is not considered an alcohol and drug prevention and treatment facility for purposes of this chapter and "alcohol and drug prevention and treatment facility" does not include any facility otherwise licensed or certified by the department of mental health and substance abuse services, including certified recovery court programs, the department of health, a facility approved by the department of education, or treatment programs operated by the department of correction;

(2) "Alcohol and drug services" includes evaluation, treatment, residential personal care, habilitation, rehabilitation, counseling, or supervision of persons with substance use disorder, or services to persons designed to prevent substance use disorder that either receive funds from the department of health or assess fees for services provided; however, a DUI school operated by a state institution of higher education is not considered alcohol and drug services for purposes of this part;

(3) "Levels of care" means the continuum of support ranging from nonclinical recovery housing to clinical and licensed treatment;

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(4) "Municipality" means an incorporated city or town, or a county with a metropolitan form of government;

(5) "Organization" means any nationally recognized recovery residence standards organization, any affiliate of any nationally recognized recovery residence standards organization, or grantees of any state or federal department or agency;

(6) "Peer" means an individual with lived experience in recovery and the appropriate skills to support a recovery community;

(7) "Recovery residence" means any ADTF, including any residence classified as a single family residence under § 13-24-102, that provides a safe, healthy, and family-like, substance-free living environment centered on peer support that assists individuals in recovery from substance use disorder with services that promote long-term recovery, including, but not limited to, direct connection to other peers in recovery, mutual support groups, and recovery support services; and

(8) "Substance-free" does not mean free of substances that are prescription medications taken as directed by a licensed prescriber, such as pharmacotherapies specifically approved by the federal food and drug administration (FDA) for the treatment of opioid use disorder, as well as other medications with FDA-approved indications for the treatment of co-occurring disorders.

33-2-1402. List of approved recovery residence organizations.

(a) The department of mental health and substance abuse services shall establish and maintain on its website a list of organizations.

(b)

(1) A recovery residence that is not recognized or certified by an organization or funded by a state or federal department or agency is required to display in a prominent place within the recovery residence, a sign at least eleven inches (11") in height and seventeen inches (17") in width stating:

NOTICE: THIS IS A RECOVERY RESIDENCE THAT IS DESIGNED TO ASSIST MEN AND/OR WOMEN WHO DO NOT REQUIRE MORE STRUCTURED TREATMENT ENVIRONMENTS TO RECOVER FROM SUBSTANCE USE DISORDER; HOWEVER, THIS RESIDENCE MAY NOT COMPLY WITH NATIONAL OR STATE STANDARDS.

THIS RESIDENCE IS NOT LICENSED OR FUNDED BY THE TENNESSEE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES AS IT IS PRIVATELY FUNDED AND DOES NOT PROVIDE TREATMENT SERVICES. IF YOU ARE IN NEED OF TREATMENT SERVICES, PLEASE CALL THE TENNESSEE REDLINE AT 1-800-889-9789.

IF YOU WOULD LIKE ADDITIONAL INFORMATION REGARDING ADDITIONAL SUBSTANCE USE DISORDER SERVICES AND RESOURCES, INCLUDING ADDITIONAL

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INFORMATION REGARDING APPROVED RECOVERY RESIDENCE OPTIONS, PLEASE VISIT THE TENNESSEE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES WEBSITE AT <https://www.tn.gov/behavioral-health.html>.

THIS IS A NOTICE POSTED PURSUANT TO TENN. CODE ANN. § 33-2-1402.

(2) In addition to any other punishment authorized by law, a person or entity that knowingly violates this section is subject to action by the attorney general and reporter or a person described in § 47-18-109(a)(1) under the Tennessee Consumer Protection Act of 1977, as compiled in title 47, chapter 18, part 1.

(c) The department of correction shall:

(1) Recognize the approved recovery residences as approved placements for those persons with substance use disorder to community supervision;

(2) Indicate which placements on any list of placements for community supervision are approved recovery residences; and

(3) Establish a preference for approved recovery residences by encouraging placements in the residences.

(d)

(1) A licensed or certified service provider, judge, or magistrate shall not refer an individual, who is appropriate for housing in a recovery residence to support the individual's recovery from a substance use disorder, to a recovery residence, including a recovery residence owned or operated by the referent, that is not recognized or certified by an organization, or funded by a state or federal department or agency.

(2) In referring an individual to an approved recovery residence, a licensed or certified service provider, judge, or magistrate shall consider the following:

(A) The culture of the recovery residence, which may include, but is not limited to:

(i) The permissiveness of unhealthy behaviors;

(ii) The degree of adherence to outside meeting attendance;

(iii) Other peers' investment in recovery; and

(iv) The general living environment;

(B) The levels of care the recovery residence provides, including:

(i) The type, nature, and intensity of the therapeutic services and recovery supports provided; and

(ii) The ability to address specific needs;

(C) The utilization of certified or appropriately trained peers with relevant lived experience;

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(D) The geographic area, neighborhood, or external surrounding environment of the recovery residence;

(E) The physical living environment of the recovery residence;

(F) The nature of current residents, including:

(i) The current residents' commitment to sobriety;

(ii) The current residents' employment status; and

(iii) The current residents' support of other residents;

(G) The use of medicated assisted treatment (MAT) in the recovery residence, including:

(i) The operator's or other residence staff's support for MAT;

(ii) The proper monitoring of the use of MAT;

(iii) The residents' support of MAT; and

(iv) The availability of peers with MAT experience for residents with severe opioid use disorder (OUD);

(H) The level of training and professionalism of residence staff, which may include, but is not limited to, training in co-occurring disorders and crisis intervention;

(I) The recovery residence's reputation regarding ethical business practices, which may include, but is not limited to, fraud and abuse of residents;

(J) The recovery residence's relapse policy; and

(K) The availability of opioid-overdose reversal drugs.

(3) Any licensed or certified provider that violates subdivision (d)(1) is subject to the suspension or revocation of the provider's license or certificate by the appropriate licensing or certification board and the imposition of civil penalties as authorized under the appropriate title.

(4) Any judge or magistrate who violates subdivision (d)(1) is subject to disciplinary action by the board of judicial conduct pursuant to title 17, chapter 5, part 3.

(5) This subsection (d) does not otherwise limit the discharge or referral options available for a person in recovery from a substance use disorder to any other appropriate placements or services.

(6) As used in this subsection (d), "refer" does not include the order of an individual to a recovery residence that is not recognized or certified by an organization, or funded by a state or federal department or agency, if the individual selected the recovery residence independent of influence from the licensed or certified service provider, judge, or magistrate.

(e)

(1) No state funds may be used to support a recovery residence that is not recognized or certified by an organization.

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(2) Subdivision (e)(1) does not apply to a recovery residence that is already receiving state or federal funds through a grant process administered by a state or federal department or agency.

33-2-1403. Prohibited marketing practices for recovery residences.

(a) A recovery residence shall not engage in any of the following marketing practices:

(1) Making a materially false or misleading statement or providing materially false or misleading information about the residence's identity, products, goods, services, or geographical locations in its marketing, advertising materials, or media, or on its website;

(2) Including on its website false information or electronic links, coding, or activation that provides false information or that surreptitiously directs the reader to another website;

(3) Soliciting, receiving, or making an attempt to solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engaging or making an attempt to engage in a split-fee arrangement in return for a referral or an acceptance or acknowledgement of treatment from a service provider of alcohol and drug services or ADTF; or

(4) Entering into a contract with a marketing provider who agrees to generate referrals or leads for the placement of patients with a service provider of alcohol and drug services or in an ADTF through a call center or a web-based presence. This subdivision (a)(4) does not apply if the service provider of alcohol and drug services or the operator of the ADTF discloses to the prospective patient, so that the patient can make an informed healthcare decision, in clear and concise language and instructions that allow the prospective patient to easily determine whether the marketing provider represents specific service providers or recovery residences that pay a fee to the marketing provider, and the identity of the service providers of alcohol and drug services or ADTF.

(b) In addition to any other punishment authorized by law, a person or entity that knowingly violates this section is subject to:

(1) Suspension or revocation of the recovery residence's status as an approved recovery residence for purposes of the list maintained by the department of mental health and substance abuse services pursuant to § 33-2-1402(a); and

(2) Action by the attorney general and reporter or a person described in § 47-18-109(a)(1) under the Tennessee Consumer Protection Act of 1977, as compiled in title 47, chapter 18, part 1.

[47-18-104]

SECTION 6. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following new subdivisions:

() A violation of § 33-2-424;

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() A violation of § 33-2-1402(b);

() A violation of § 33-2-1403(a);

[63-1-159]

SECTION 7. Tennessee Code Annotated, Section 63-1-159, is amended by deleting the section and substituting instead the following:

63-1-159. Prohibited offer or payment, or offer or solicitation, of commission for referral of patient or patronage with respect to alcohol or drug services.

(a) A healthcare provider licensed under this title, with respect to alcohol and drug services, as defined in § 33-2-402, shall not knowingly:

(1) Offer or pay a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14;

(2) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14;

(3) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14; or

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(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under subdivision (a)(1), (a)(2), or (a)(3).

(b) Any healthcare provider licensed under this title, with respect to alcohol and drug services, that violates this section is subject to suspension or revocation of the healthcare provider's license by the appropriate healthcare licensing board and the imposition of civil penalties as authorized under this title.

[68-1-138]

SECTION 8. Tennessee Code Annotated, Section 68-1-138, is amended by deleting the section and substituting instead the following:

68-1-138. Prohibited offer or payment, or offer or solicitation, of commission for referral of patient or patronage with respect to alcohol or drug services.

(a) A healthcare facility or provider licensed under this title, with respect to alcohol and drug services, as defined in § 33-2-402, shall not knowingly:

(1) Offer or pay a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14;

(2) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14;

(3) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from:

(A) A licensee or facility licensed under title 33, chapter 2, part 4; or

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(B) A recovery residence, an employee of a recovery residence, a nationally recognized recovery residence standards organization or its affiliate, or an employee of a nationally recognized recovery residence standards organization or an employee of its affiliate under title 33, chapter 2, part 14; or

(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under subdivision (a)(1), (a)(2), or (a)(3).

(b) Any healthcare facility or provider licensed under this title, with respect to alcohol and drug services, that violates this section is subject to suspension or revocation of the healthcare facility's or provider's license by the appropriate licensing board and the imposition of civil penalties as authorized under this title.

SECTION 9. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2022]

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 310**HOUSE BILL NO. 235****By Representatives Littleton, Smith, Hazlewood**

Substituted for: Senate Bill No. 1125

By Senator White

AN ACT to amend Tennessee Code Annotated, Section 12-3-1212; Section 49-13-111 and Section 49-2-203, relative to purchasing procedures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-2-203]

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(3), is amended by deleting subdivision (B) and substituting instead the following:

(B)

(i) All expenditures for the purchase of supplies, furniture, fixtures, or materials through the executive committee may follow the prescribed procedures of the LEA's respective local governing body, if that body, through its charter, private act, or ordinance has established a procurement procedure that provides for advertisement and competitive bidding, except that, if a newspaper advertisement is required, then it may be waived in case of emergency;

(ii)

(a) If the LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of less than forty thousand (40,000), according to the 2010 federal census or any subsequent federal census, then all expenditures for the purchase of supplies, furniture, fixtures, or materials through the executive committee estimated to cost ten thousand dollars (\$10,000) or more must be made on competitive bids, which must be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in case of emergency; or

(b) If the LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of forty thousand (40,000) or more, according to the 2010 federal census or any subsequent federal census, then all expenditures for the purchase of supplies, furniture, fixtures, or materials through the executive committee estimated to cost twenty-five thousand dollars (\$25,000) or more must be made on competitive bids, which must be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in case of emergency;

(iii) LEAs that have a purchasing division may use a comprehensive vendor list to solicit competitive bids; provided, that:

PUBLIC CHAPTER NO. 310 (cont'd)

(a) The vendors on the list are given notice to bid; and

(b) The purchasing division shall periodically advertise in a newspaper of general circulation in the county for vendors and shall update the list of vendors following the advertisement;

[49-2-203]

SECTION 2. Tennessee Code Annotated, Section 49-2-203(a)(3), is amended by deleting subdivision (C) and substituting instead the following:

(C)

(i) If the LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of less than forty thousand (40,000), according to the 2010 federal census or any subsequent federal census, then all purchases of less than ten thousand dollars (\$10,000) may be made in the open market without newspaper notice, but must, whenever possible, be based upon at least three (3) competitive bids; or

(ii) If the LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of forty thousand (40,000) or more, according to the 2010 federal census or any subsequent federal census, then all purchases of less than twenty-five thousand dollars (\$25,000) may be made in the open market without newspaper notice, but must, whenever possible, be based upon at least three (3) competitive bids;

[49-2-203]

SECTION 3. Tennessee Code Annotated, Section 49-2-203(a)(3)(D), is amended by deleting subdivision (i) and substituting instead the following:

(i)

(a) For the construction of school buildings or additions to existing school buildings, the LEA may follow the prescribed procedures of the LEA's respective local governing body, if that body, through its charter, private act, or ordinance has established a procurement procedure that provides for advertisement and competitive bidding;

(b)

(1) If the LEA chooses not to follow the local governing body's procedure, and the LEA is located in a county having a population of less than forty thousand (40,000), according to the 2010 federal census or any subsequent federal census, then the board shall contract, following open bids, for the construction of school buildings or additions to existing school buildings, the expenditure for which is ten thousand dollars (\$10,000) or more; or

(2) If the LEA chooses not to follow the local governing body's procedure, and the LEA is located in a county having a population of forty thousand (40,000) or more, according to the 2010 federal census or any subsequent federal census, then the board shall contract,

PUBLIC CHAPTER NO. 310 (cont'd)

following open bids, for the construction of school buildings or additions to existing school buildings, the expenditure for which is twenty-five thousand dollars (\$25,000) or more;

(c) Public notice must be given at least ten (10) days in advance of accepting bids for the construction, and the board shall award the contract to the lowest and best bidder. Whether following the local governing body's procedures or the procedures set forth in this subdivision (a)(3)(D)(i), in the event no bid is within the budgetary limits set by the board for the construction, the board may negotiate with the lowest and best bidder to bring the cost of the construction within the funds available, with the approval of the commissioner of education;

[49-13-111]

SECTION 4. Tennessee Code Annotated, Section 49-13-111, is amended by deleting subsection (e) and substituting:

(e)

(1) If a public charter school is located in a county having a population of less than forty thousand (40,000), according to the 2010 federal census or any subsequent federal census, then all contracts for goods in excess of ten thousand dollars (\$10,000) must be bid and approved by the governing body of the public charter school.

(2) If a public charter school is located in a county having a population of forty thousand (40,000) or more, according to the 2010 federal census or any subsequent federal census, then all contracts for goods in excess of twenty-five thousand dollars (\$25,000) must be bid and approved by the governing body of the public charter school.

[12-3-1212]

SECTION 5. Tennessee Code Annotated, Section 12-3-1212, is amended by deleting the language "LEA in accordance with § 49-2-203(a)".

[12-3-1212]

SECTION 6. Tennessee Code Annotated, Section 12-3-1212, is further amended by adding the following language at the end of the section:

For purposes of this section, counties that have adopted the County Financial Management System of 1981, compiled in title 5, chapter 21 or the County Purchasing Law of 1957, compiled in title 5, chapter 14, part 1; or that are similarly centralized for purchasing under a private act, are deemed to have a full-time purchasing agent.

[Effective date 7/1/2021]

SECTION 7. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 311**HOUSE BILL NO. 237****By Representatives Littleton, Parkinson, Moody, Smith, Helton**

Substituted for: Senate Bill No. 1366

By Senators Bell, Rose

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[36-6-101]

SECTION 1. Tennessee Code Annotated, Section 36-6-101, is amended by deleting subdivision (a)(2)(A)(i) and substituting the following:

(i) Except as provided in this subdivision (a)(2)(A), neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody is established, but the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child. Unless both parents have agreed to a custody arrangement and parenting plan, orders for custody arrangements must include written findings of fact and conclusions of law to support the basis for the order. Unless the court finds by clear and convincing evidence to the contrary, there is a presumption that joint custody is in the best interest of a minor child where the parents have agreed to joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may direct that an investigation be conducted. The burden of proof necessary to modify an order of joint custody at a subsequent proceeding shall be by a preponderance of the evidence.

[37-2-414]

SECTION 2. Tennessee Code Annotated, Section 37-2-414, is amended by adding the following as a new subsection:

(d) When a child has been removed from the home of one (1) parent and is in the care, custody, or guardianship of the department, the department shall consider and evaluate the child's other natural or adoptive parent, if available, for placement before considering any other relative pursuant to subsection (b). The child's other natural or adoptive parent is not eligible for the kinship foster care program or any payments for kinship foster care under the program.

PUBLIC CHAPTER NO. 311 (cont'd)**[36-1-102]**

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(A)(v), is amended by deleting the language “aged seventy-two (72) hours or less” and substituting the language “aged two (2) weeks or younger”.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 316**HOUSE BILL NO. 312****By Representative Ragan**

Substituted for: Senate Bill No. 92

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 8, relative to the Tennessee Technological University, board of trustees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (65).

[4-29-248; 49-8-101; 49-8-201]

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee Technological University, board of trustees, created by §§ 49-8- 101 and 49-8-201;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 313**HOUSE BILL NO. 278****By Representative Ragan**

Substituted for: Senate Bill No. 53

By Senators Roberts, Crowe

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 8, relative to the East Tennessee State University, board of trustees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (24).

[4-29-248; 49-8-101; 49-8-201]

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by inserting the following as a new subdivision:

() East Tennessee State University, board of trustees, created by §§ 49-8-101 and 49-8-201:

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 314**HOUSE BILL NO. 284****By Representative Ragan**

Substituted for: Senate Bill No. 59

By Senators Roberts, Reeves

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 8, relative to the Middle Tennessee State University, board of trustees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (32).

[4-29-248; 49-8-101; 49-8-201]

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by inserting the following as a new subdivision:

() Middle Tennessee State University, board of trustees, created by §§ 49-8-101 and 49-8-201;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 315

HOUSE BILL NO. 293

By Representative Ragan

Substituted for: Senate Bill No. 72

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 4, Chapter 3, Part 51, relative to the state board of equalization.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (45).

[4-29-248; 4-3-5101]

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by inserting the following as a new subdivision:

() State board of equalization, created by § 4-3-5101;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 316**HOUSE BILL NO. 312****By Representative Ragan**

Substituted for: Senate Bill No. 92

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 8, relative to the Tennessee Technological University, board of trustees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (65).

[4-29-246; 49-8-101; 49-8-201]

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

() Tennessee Technological University, board of trustees, created by §§ 49-8- 101 and 49-8-201;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 317

HOUSE BILL NO. 315

By Representative Ragan

Substituted for: Senate Bill No. 95

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 49, Chapter 8, relative to the University of Memphis, board of trustees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (68).

[4-29-248; 49-8-101; 49-8-201]

SECTION 2. Tennessee Code Annotated, Section 4-29-248(a), is amended by inserting the following as a new subdivision:

() University of Memphis, board of trustees, created by §§ 49-8-101 and 49-8-201;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 318**HOUSE BILL NO. 317****By Representative Ragan**

Substituted for: Senate Bill No. 48

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 37, Chapter 5, relative to the department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (19).

[4-29-244; 4-3-101; 37-5-101]

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following as a new subdivision:

() Department of children's services, created by §§ 4-3-101 and 37-5-101;

SECTION 3. The department of children's services shall appear before the education, health and general welfare joint subcommittee no later than December 31, 2021, to update the committee on the department's progress in addressing the findings set forth in the December 2020 performance audit report issued by the comptroller of the treasury.

[Effective date 5/4/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 319**HOUSE BILL NO. 323**

By Representatives Hodges, Littleton, Gillespie, Ramsey, Bricken, Parkinson, Eldridge, Hardaway, Lamar, Camper, Beck, Todd, Powell, Smith, Howell, Helton, Hazlewood

Substituted for: Senate Bill No. 220

By Senators Powers, Massey, Reeves, Rose

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 1 and Title 39, Chapter 13, relative to juvenile offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-1-131]

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following as a new subsection:

(e)

(1) Notwithstanding this section to the contrary, a juvenile who is adjudicated delinquent for conduct that, if committed by an adult, would constitute one (1) of the offenses set out in subdivision (e)(3) may be committed to the department of children's services for a period of one (1) year.

(2) This subsection (e) does not prohibit the court from:

(A) Transferring a juvenile to whom this section applies to adult court to stand trial as an adult as provided in § 37-1-134;

(B) Extending the term of commitment beyond one (1) year;

or

(C) Ordering any other dispositional alternative.

(3) The offenses to which this subsection (e) applies are:

(A) Rape, as prohibited by § 39-13-503;

(B) Aggravated rape, as prohibited by § 39-13-502;

(C) Rape of a child, as prohibited by § 39-13-522; and

(D) Aggravated rape of a child, as prohibited by § 39-13-

531.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to acts committed on or after that date.

PUBLIC CHAPTER NO. 320**HOUSE BILL NO. 339****By Representatives Jernigan, Beck**

Substituted for: Senate Bill No. 305

By Senator Briggs

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, relative to premises on which sales and consumption of alcoholic beverages is authorized.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-4-102]

SECTION 1. Tennessee Code Annotated, Section 57-4-102(27)(CCCCC), is amended by adding the following new subdivisions:

(iv) Any facility licensed under this subdivision (27)(CCCCC) may seek an additional license as a caterer under § 57-4-102(6); and

(v) Any facility licensed under this subdivision (27)(CCCCC) may hold any of the licenses authorized under this subdivision (27)(CCCCC) and may grant a franchise to one (1) or more entities for any or all such licenses;

[57-4-102]

SECTION 2. Tennessee Code Annotated, Section 57-4-102(30), is amended by adding the following new subdivision:

(i) A “restaurant” also means a commercially operated facility that:

(a) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census;

(b) Is located on the western bank of the Cumberland River;

(c) Once housed a full-service radio studio, which was removed in 2016;

(d) Serves as a venue for live music, dancing, banquets, meetings, and other events, and opened to the public in June 1994; and

(e) Has three (3) floors, at least sixty-six thousand (66,000) square feet, and a seating capacity for at least two thousand (2,000) guests;

(ii) A restaurant under this subdivision (30)() is not required to meet any gross revenue percentage requirements for food service as a prerequisite to the issuance of a restaurant license to serve liquor by the drink; provided, however, that a restaurant applying for the renewal of its license under this subdivision (30)() shall pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the

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gross revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;

(iii) The premises of any facility licensed under this subdivision (30)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (30)();

(iv) Notwithstanding chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (30)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(v) Any facility licensed under this subdivision (30)() may seek an additional license as a caterer under § 57-4-102(6);

(vi) Any facility licensed under this subdivision (30)() may hold any of the licenses authorized under this subdivision (30)() and may grant a franchise to one (1) or more entities for any or all such licenses;

[57-4-102]

SECTION 3. Tennessee Code Annotated, Section 57-4-102(25), is amended by designating the existing language as subdivision (25)(A) and adding the following as a new subdivision:

(i) "Paddlewheel steamboat company" includes a paddlewheel steamboat company that possesses the following characteristics:

(a) Has its principal dock located on the Cumberland River at Pennington Bend;

(b) is approximately two thousand five hundred (2,500) feet southwest of a resort and convention center, which has indoor gardens, an indoor/outdoor water attraction, at least two thousand eight hundred (2,800) rooms, and six hundred forty thousand (640,000) square feet of meeting space; and

(c) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

(ii) The premises of any paddlewheel steamboat company licensed under this subdivision (25)() means any or all of the paddlewheel steamboat and the property at its principal dock. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the

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licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (25)().

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (25)() means, for beer permitting purposes, any or all of the paddlewheel steamboat and the property at its principal dock. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) Any facility licensed under this subdivision (25)() may seek an additional license as a caterer under § 57-4-102(6);

(v) Any facility licensed under this subdivision (25)() may hold any of the licenses authorized under this subdivision (25)() and may grant a franchise to one (1) or more entities for any or all such licenses.

[Effective date 5/4/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 321**HOUSE BILL NO. 388****By Representatives Darby, Lafferty, Hazlewood**

Substituted for: Senate Bill No. 297

By Senator Briggs

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, Part 8 and Section 12-3-1207, relative to competitive sealed proposals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[12-3-1207]

SECTION 1. Tennessee Code Annotated, Section 12-3-1207, is amended by adding the following as new subsections:

(k) The board of commissioners of a utility district created pursuant to title 7, chapter 82, or any public or private act by the general assembly, has the same rights and is subject to the same restrictions and requirements as apply to a municipal governing body under this section. The board of commissioners of a utility district shall adopt a purchasing policy pursuant to title 7, chapter 82, part 8, that contains criteria for purchasing through competitive sealed proposals and procedures consistent with this section before purchases may be made under this section.

(I) For the purposes of this section, “procurement code” has the same meaning as “purchasing policy” as described in § 7-82-801, for utility districts.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 322**HOUSE BILL NO. 412****By Representatives Jernigan, Crawford, Terry**

Substituted for: Senate Bill No. 404

By Senators Haile, Pody

AN ACT to amend Tennessee Code Annotated, Title 38 and Title 62, Chapter 35, relative to retired law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[62-35-103]

SECTION 1. Tennessee Code Annotated, Section 62-35-103, is amended by deleting subdivision (a)(12) and substituting:

(12) A retired peace officer receiving compensation for services as a guard, patrol, or watchperson under a contract with a private business that is properly licensed by the state; provided, that the retired peace officer:

(A)

(i) Completes the firearms and marksmanship training required by § 62-35-118(b); and

(ii) Has a written directive issued by the executive supervisor of the organization to which the person was attached or employed authorizing the person to carry a handgun; or

(B) Is authorized to carry a firearm pursuant to § 38-8-116(b);

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 323**HOUSE BILL NO. 462****By Representatives Cepicky, Hurt, Doggett**

Substituted for: Senate Bill No. 1340

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Section 49-1-228 and Title 49, Chapter 1, Part 6, relative to graduation rates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) The department of education shall submit a report to the education administration committee and education instruction committee of the house of representatives on the high school graduation rate no later than January 1, 2022. The report must include:

(1) An analysis of the adjusted cohort graduation rate and the ready graduate indicator, as defined by Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.), on school and LEA accountability, including whether the use of the metrics appropriately encourages LEAs and schools to graduate students who are prepared for postsecondary coursework and the workforce;

(2) The number and percentage of students, disaggregated by each student group, as defined within Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.), that graduate from high school in less than four (4) years, in four (4) years, in four (4) years and one (1) summer, in five (5) years, and in six (6) years with a regular high school diploma and ready graduate indicator status as defined in subdivision (a)(1); and

(3) An analysis of available information, to the extent practicable, related to metrics or practices pertaining to student graduation and postsecondary readiness in schools and LEAs, including student course access; graduation requirements; grades and credit recovery; and college, career, and technical education opportunities.

(b) The department shall post the report described in subsection (a) on the department's website.

[49-1-620]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following as a new section:

(a) The department shall annually report on the state report card, established pursuant to § 49-1-228, information related to state, LEA, and school level indicators of postsecondary readiness by graduating

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class, including the percentage of students achieving postsecondary readiness pursuant to the department's defined eligibility criteria. The department shall begin reporting the information identified in this subsection (a) with the graduating class of 2021 in the 2022 state report card.

(b) Disclosure under this section must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 324**HOUSE BILL NO. 464****By Representatives Littleton, Hazlewood, Todd**

Substituted for: Senate Bill No. 403

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-301]

SECTION 1. Tennessee Code Annotated, Section 57-3-301, is amended by adding the following new subsection (i):

(1) The department of revenue shall make available to the public the identity of the wholesalers and suppliers operating in this state, including their addresses, brands, and designated territories for which a contract has been registered with the department. Such information may be made available electronically.

(2) If a manufacturer, supplier, importer, nonresident seller, or nonmanufacturer nonresident seller registers a contract with a wholesaler for a brand, the department of revenue shall provide notice by electronic means of such registration to the manufacturer, supplier, importer, nonresident seller, or nonmanufacturer nonresident seller, as applicable, and the contracted wholesaler.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 325**HOUSE BILL NO. 493****By Representative Ragan**

Substituted for: Senate Bill No. 1074

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 31, relative to the polysomnography professional standards committee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-241]

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by deleting subdivision (36).

[4-29-243; 63-31-103]

SECTION 2. Tennessee Code Annotated, Section 4-29-243(a), is amended by inserting the following as a new subdivision:

() Polysomnography professional standards committee, created by § 63-31-103;

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 326**HOUSE BILL NO. 525****By Representatives Cepicky, White, Hardaway**

Substituted for: Senate Bill No. 924

By Senators Kelsey, Jackson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-106]

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by adding the following language as a new subsection:

() Notwithstanding § 49-6-6006 or any law to the contrary, upon the request of a director of schools or the director of a public charter school, the commissioner of education may issue an endorsement exemption to a teacher in accordance with state board rules or a temporary permit to a person in accordance with subsection (a) to teach any course or subject area, except for special education courses, for the 2021-2022 school year. A director of schools or the director of a public charter school who applies for an endorsement exemption or temporary permit for a person to teach in the 2021- 2022 school year shall certify to the commissioner that the LEA or public charter school is unable to secure a qualified teacher for the course or subject area. An endorsement exemption or temporary permit issued pursuant to this subsection () is valid only for the 2021-2022 school year.

[49-5-106]

SECTION 2. The state board of education is authorized to promulgate rules, including emergency rules, necessary to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 327**HOUSE BILL NO. 560**

**By Representatives McKenzie, Mannis, Stewart, Dixie, Camper,
Lamar**

Substituted for: Senate Bill No. 302

By Senators Briggs, Massey

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 67, relative to records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-1-1707]

SECTION 1. Tennessee Code Annotated, Section 67-1-1707, is amended by deleting subsection (f) and substituting:

(f) This part does not restrict the public disclosure of the name and address of an owner of a business tax license under chapter 4, part 7 of this title, or any information on the license or license application pertaining to whether the owner is a veteran or a member of a minority group based on race, ethnicity, religion, sex, or national origin.

[67-4-722]

SECTION 2. Tennessee Code Annotated, Section 67-4-722(d), is amended by deleting the subsection and substituting:

(d) Notwithstanding any other law to the contrary, the name and address of any present or former owner or operator of any trade or business as appearing on any business or occupation license or application for a license, and information on the license or application regarding whether the trade or business is veteran-or minority-owned, is a public record open for public inspection within the meaning of the Public Records Act, corn piled in title 10, chapter 7, and the record is not confidential information.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 328**HOUSE BILL NO. 566**

By Representatives Ragan, Howell, Crawford, Smith

Substituted for: Senate Bill No. 1087

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the Uniform Administrative Procedures Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-213]

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) For the purposes of this section:

(1) “Chapter” means the grouping of rules in the secretary of state’s numbering system that follows the entity control number and division, if any, but is before the individual rule number; and

(2) “Department” means an administrative department of state government included in § 4-3-101 or any other agency not administratively attached to an administrative department.

(b) By December 1, 2023, and every eight (8) years thereafter, a department with rules promulgated and published on the secretary of state’s website pursuant to § 4- 5-220, or with an administratively attached agency with rules promulgated and published on the secretary of state’s website pursuant to § 4-5-220, shall submit a report of the department’s chapters in effect as of July 1 of the year that the report is due to the chair of the government operations committee of the senate and the chair of the government operations committee of the house of representatives. The report includes:

(1) A brief description of the department’s operations that each chapter affects;

(2) For each rule in a chapter, the rule’s administrative history, including, but not limited to, the original date the rule was promulgated and the date the rule was last amended;

(3) A determination of whether each rule in the chapter should:

(A) Be amended or repealed;

(B) Be reviewed further; or

(C) Continue in effect without amendment; and

(4) A determination of whether each rule in the chapter adheres to current state and federal law, to court rulings, and to any other standards that affect the rule.

PUBLIC CHAPTER NO. 328 (cont'd)

(c) The department shall certify the report submitted under this section. If a department intentionally makes a false statement in the report, then the government operations committee of the senate and the government operations committee of the house of representatives, meeting jointly or separately, may vote to request the general assembly to repeal a rule, or suspend any or all of the department's rulemaking authority for any reasonable period of time or with respect to any particular subject matter, by legislative enactment.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 329**HOUSE BILL NO. 669****By Representatives Freeman, White, Camper**

Substituted for: Senate Bill No. 430

By Senator Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 2 and Title 57, Chapter 3, relative to disclosures by manufacturers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-2-104]

SECTION 1. Tennessee Code Annotated, Section 57-2-104, is amended by deleting the language “§ 57-2-102” and substituting instead the language “§ 57-3-202”.

[57-3-202]

SECTION 2. Tennessee Code Annotated, Section 57-3-202, is amended by adding the following language as a new subsection:

(I)

(1) A person applying for or renewing a license under this section shall provide the following information to the commission with regard to individuals or entities with more than a ten percent (10%) direct or indirect interest in the manufacturer or distiller to be licensed:

(A) The name of each such individual or entity;

(B) The percentage of ownership; and

(C) All other information requested by the commission.

(2) A person applying for or renewing a license under this section shall provide the following information to the commission with regard to individuals or entities with a ten percent (10%) or less direct or indirect interest in the manufacturer or distiller to be licensed:

(A) The name of each such individual or entity; and

(B) The percentage of ownership.

(3)

(A) A person who is applying for or renewing a license that has more than twenty (20) owners is not required to provide the information required by subdivisions (1)(1) and (2); provided, however, that an individual owner with a direct or indirect interest of more than ten percent (10%) shall provide the commission with the information in subdivisions (1)(1)(A)-(C) if requested to do so by the commission.

(B) The commission may require additional information under this subdivision (1)(3) that is necessary for the commission to verify compliance with this chapter and all other applicable laws,

PUBLIC CHAPTER NO. 329 (cont'd)

except that with respect to an owner with a ten percent (10%) or less direct or indirect interest in a manufacturer or distiller under this section where the owner affirms or attests to the commission that such owner is eligible to have such an interest pursuant to this chapter and other applicable laws, then the commission shall not request additional information regarding such owner, unless the commission has reason to believe that such affirmation or attestation is false.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 330**HOUSE BILL NO. 674**

**By Representatives Freeman, Beck, Dixie, Curcio, Lamar, Hodges,
Jernigan, Camper**

Substituted for: Senate Bill No. 299

By Senators Briggs, Akbari

AN ACT to amend Tennessee Code Annotated, Title 57, relative to food halls.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[57-4-101]

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding the following new subdivision (22):

(22) Food hall, as defined in Section 2, to those in attendance at the food hall, subject to the provisions of this chapter.

[57-4-102]

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following new subdivision:

()

(A) "Food hall" means a public place:

(i) Kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served;

(ii) With adequate and sanitary kitchens, dining room equipment, and a seating capacity of at least one thousand two hundred (1,200) people at tables, counters, and other places for dining;

(iii) Having a sufficient number and kind of persons to prepare, cook, and serve suitable food for guests; and

(iv) Located in a facility or designated area having the following characteristics upon completion of construction:

(a) The facility has at least ninety thousand square feet (90,000 sq. ft.) in a multi-level mixed-used commercial building which includes restaurants, bars, and a rooftop with a live music venue;

(b) The facility includes at least twenty (20) separate points of sale, contiguous or noncontiguous, that regularly prepare and sell food;

(c) The property that houses the facility is across a public street from a live performance venue that was originally constructed in 1892 as a religious facility;

(d) The property that houses the facility is adjacent to a facility originally constructed in 1925 that houses the Grand Lodge of Free and Accepted Masons of Tennessee; and

PUBLIC CHAPTER NO. 330 (cont'd)

(e) The facility is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census;

(B) The premises of a food hall means any or all of the property that constitutes the food hall, except any other separately licensed premises that are located in the food hall. The licensee may operate multiple points of sale with different business names within the food hall. The licensee shall designate the premises and each point of sale to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The points of sale may be noncontiguous within the licensed premises. The entire designated premises is covered under one (1) license issued under this subdivision (). The licensee does not have to prepare or sell food as a condition of the license;

(C) A licensee licensed as a food hall may grant a franchise for the provision of alcoholic beverages to a person that regularly prepares and sells food on the food hall premises. The holder of the franchise is deemed to be a food hall under this subdivision (), and such franchisee is not required to obtain its own license; provided, that prior notice must be given to the commission, in such manner as may be prescribed by the commission. The licensee shall pay the commission for each franchisee licensed under this subdivision () a six hundred twenty-five dollar (\$625) annual privilege tax, which may be prorated for the first year based on the renewal date of the licensee;

(D) A restaurant may be located within the premises of a food hall; provided, that the defined premises of such restaurant may be open for public ingress and egress within the premises of the food hall. Such restaurant may store its inventory of beer and alcoholic beverages on the licensed premises of the restaurant or food hall pursuant to subdivision ()(G);

(E) Each separate operating entity under the food hall license, whether the licensee or a franchisee, is independently liable for violations committed by such operating entity, and a separate operating entity must not be held liable for the actions of another; provided, that the food hall license must not be renewed until all citations are resolved by an applicable operating entity. The commission may suspend or revoke the authority of a franchisee to operate under the food hall license without the operation of any other franchisee or the licensee under the license being affected. Each operating entity shall provide sufficient information to the commission to where the commission is able to determine which operating entity may be liable in the event of a violation;

(F) A licensee licensed under this subdivision () may serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three

PUBLIC CHAPTER NO. 330 (cont'd)

hundred seventy-five milliliters (375 ml) and an alcohol content that does not exceed fifteen percent (15%) by volume;

(G) The licensee or any of its franchisees licensed under this subdivision () or a restaurant located on the premises of a food hall may store beer and alcoholic beverages in one (1) or more central storage locations in the food hall; provided, that if the restaurant, franchisee, and food hall share the same storage area, the restaurant's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. Notwithstanding any other provision in this chapter, the licensee, franchisee, or restaurant may transport beer and alcoholic beverages anywhere in the food hall;

(H) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision () means for beer permitting purposes any or all of the premises that constitutes the food hall, except any other permitted premises located in the food hall. The permittee may operate multiple points of sale with different business names within the facility, which may be contiguous or noncontiguous. The permittee shall designate the points of sale to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title. The permittee may grant a franchise for the sale of beer on its premises, and the holder of the franchise is not required to obtain its own beer permit; provided, that the franchisee's premises qualify as an additional point of sale under this subdivision (). For enforcement purposes, the local beer board shall treat each point of sale in the facility separately for violations of chapter 5 of this title and local beer ordinances. The local beer board shall not cite a point of sale for violations committed by another point of sale within a common licensed area. There is a rebuttable presumption of liability for a specific point of sale for an underage sale or other violation based on the specific type of container, brand of beer or wine, unlabeled or labeled cup or glassware, or logo on the cup or glassware provided to the person or minor. In the absence of a container, glass, or cup identifying the point of sale, the local beer board may determine which point of sale to cite for an underage sale or other violation. If the local beer board is unable to determine the violator after conducting a reasonable investigation, the local beer board may issue a citation to one (1) or more points of sale that share the common licensed area where the violation occurred;

(I) A licensee and franchisee licensed under this subdivision () may sell and distribute wine in an unsealed container for consumption on the licensed premises;

(J) The facility, landlord, tenant, or a licensee located in a food hall shall provide periodic security throughout the entire licensed premises; and

PUBLIC CHAPTER NO. 330 (cont'd)

(K) A food hall licensee does not have to use labeled cups and glassware, but a franchise authorized under subdivision (C) and a separately licensed restaurant under subdivision (D) must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p); provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);

[57-4-301]

SECTION 3. Tennessee Code Annotated, Section 57-4-301(b)(1), is amended by adding the following new subdivision (x):

(x) Food Hall \$1,250

[57-4-201]

SECTION 4. Tennessee Code Annotated, Section 57-4-201(b)(1), is amended by deleting the language “restaurant, club” and substituting instead the language “restaurant, food hall, club”.

[Effective date 5/4/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 331**HOUSE BILL NO. 742****By Representative Lamberth**

Substituted for: Senate Bill No. 705

By Senator Walley

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-217]

SECTION 1. Tennessee Code Annotated, Section 57-3-217(b), is amended by deleting subsection (b) and substituting instead the following:

(b) A winery direct shipper, meeting the requirements of this section, may make sales and delivery of wine, as defined in § 57-3-101, by common carrier to the citizens of this state over the age of twenty-one (21) who have purchased the wine directly from the winery direct shipper, subject to the limitations and requirements imposed by this section; provided, that a winery direct shipper may only ship wine sold under a brand name owned by or licensed to the winery or farm winery, which is either:

(1) Produced by the winery or farm winery, including manufactured in a manner authorized pursuant to § 57-3-207;

(2) Produced exclusively for the winery or farm winery under an existing written contract with the winery or farm winery; or

(3) Produced and bottled exclusively for the winery or farm winery.

[57-3-217]

SECTION 2. Tennessee Code Annotated, Section 57-3-217(c), is amended by deleting the language "issuance of a winery direct shipper's license" and substituting instead the language "issuance or renewal of a winery direct shipper's license".

[57-3-217]

SECTION 3. Tennessee Code Annotated, Section 57-3-217, is amended by adding the following new subsections:

(i) Notwithstanding any law to the contrary, a fulfillment house, as defined in Section 4 of this act, is not eligible for licensure or renewal of a winery direct shipper's license.

(j) A winery direct shipper licensee shall maintain records for a minimum of three (3) years from the shipment date, which shall include:

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(1) The name, address, and license number of the fulfillment house used, if any;

(2) The name of the common carrier, if no fulfillment house is used;

(3) The date of each shipment;

(4) The carrier tracking number;

(5) The quantity, by weight or other means, the sales price, and product type of wine shipped; and

(6) The name and address of the recipient.

(k) A winery direct shipper licensee shall submit the records maintained pursuant to subsection (j) as a report to the commission on a quarterly basis in the manner, form, and format prescribed by the commission.

(l) A winery direct shipper may only ship, or have shipped, wine from either their licensed winery direct shipper location or a licensed fulfillment house location.

(m) Two (2) or more licensed winery direct shippers may make sales and shipments of wine pursuant to this section in conjunction and coordination with each other; provided, that if the wine products of more than one (1) licensed winery direct shipper are included in the same shipment, then such products may only be shipped to a resident of this state from a fulfillment house licensed pursuant to Section 4. Each winery participating in a sale made pursuant to this subsection (m) must have a winery direct shipper license.

(n) The requirements of this section, including subsections (d) and (e), apply to winery direct shippers whether the wine is shipped from the winery direct shipper or a licensed fulfillment house.

[57-3-415]

SECTION 4. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following new section:

(a)

(1) As used in this section, "fulfillment house" means an in-or out-of- state entity, other than a winery, or farm winery, wholesaler, non-resident seller, or common carrier, that takes physical possession of a winery direct shipper's wine and handles logistics, including warehousing, packaging, order fulfillment, or shipping services on behalf of a winery direct shipper licensee for products that the winery direct shipper is eligible to ship to residents in this state.

(2) The winery direct shipper and the fulfillment house may transport the wine to the fulfillment house. It is lawful for a common carrier to transport the wine to a fulfillment house. Section 57-3-207(i) is not applicable to wine transported to a fulfillment house.

(b) A person, firm, limited liability company, or corporation may apply to the commission to obtain a fulfillment house license where

PUBLIC CHAPTER NO. 331 (cont'd)

the fulfillment house is involved in the shipping of wine to residents of this state and pay an application fee of three hundred dollars (\$300) and an annual license fee of three hundred dollars (\$300) and an additional fifty dollars (\$50.00) for each separate location where it takes physical possession of wine before making or causing a shipment into, within, or outside of this state. A fulfillment house license must be renewed annually. A fulfillment house licensee may only provide services related to shipment of wine produced by and belonging to a winery direct shipper licensee into or within this state according to the requirements of this section. A fulfillment house licensee shall not provide services related to shipment of wine into or within this state to a retailer licensed under this title, an entity licensed as an out-of-state retailer, or a person or entity that is not a winery direct shipper licensed pursuant to § 57-3-217. A fulfillment house license granted pursuant to this section authorizes the licensee to only ship wine into or within this state for winery direct shippers licensed pursuant to § 57-3-217. Any other activity into or within this state is unlawful.

(c) A fulfillment house license applicant shall provide the following information as part of its application:

(1) All locations where it takes physical possession of wine for shipment into or within this state;

(2) An executed consent to jurisdiction and venue of all actions brought before the commission, a state agency, or the courts of this state, such that all hearings, appeals, and other matters relating to the license of the fulfillment house must be held in this state;

(3) A written acknowledgement that it will contract only with common carriers that agree that the delivery of wine in this state will be by face-to-face delivery, that deliveries will only be made to individuals who are at least twenty-one (21) years of age, and that the recipient must sign upon receipt of the wine; and

(4) Any other provisions as required by the commission.

(d) A fulfillment house licensee shall ensure that all containers of wine shipped directly to an individual in this state are labeled with the conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY", and the name, address, and license number of the fulfillment house licensee.

(e) All containers of wine shipped directly to a resident of this state must be shipped using a common carrier. A fulfillment house licensee shall not ship wine into or within this state from, or on behalf of:

(1) Unlicensed direct shippers, either in-state or out-of-state;

(2) A retailer licensed under this title;

(3) An out-of-state retailer; or

(4) A person or entity that is not a winery direct shipper licensed pursuant to § 57-3-217.

PUBLIC CHAPTER NO. 331 (cont'd)

(f) A fulfillment house licensee shall verify that each winery direct shipper is licensed to ship to consumers in this state before making a shipment, and failure to verify proper licensure subjects a fulfillment house licensee to a fine, suspension, or revocation in accordance with subsection (h).

(g) A fulfillment house licensee shall maintain records for a minimum of three (3) years from the shipment date, which must include:

(1) The name, address, and license number of the licensed winery direct shipper;

(2) The name of the common carrier;

(3) The date of each shipment;

(4) The carrier tracking number;

(5) The quantity, by weight or other means, and product type of wine shipped; and

(6) The name and address of the recipient.

(h) A fulfillment house licensee shall submit these records as a report to the commission quarterly in the manner, form, and format prescribed by the commission. Any fulfillment house licensee found in violation of this section is subject to fines, suspension, or revocation of its license in accordance with this title and shall reimburse the commission for all costs incurred in connection with the investigation and administrative action, including the out-of-pocket costs and reasonable personnel costs. The commission is empowered to make such regulations, investigations, and audits as it may deem necessary for enforcing and preventing violations of this section.

(i) The requirements for a common carrier under § 57-3-217 equally apply to wine obtained from a fulfillment house licensee on behalf of a winery direct shipper to the same extent as if the common carrier obtained the wine from the winery direct shipper licensee.

[Effective date 5/4/2021]

SECTION 5. Sections 1 and 2 of this act take effect upon becoming a law, the public welfare requiring it, and apply to a winery direct shipper's license issued or renewed on or after the effective date of this act. Sections 3 and 4 of this act take effect on January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 332

HOUSE BILL NO. 749

By Representatives Boyd, Smith, Keisling, Sparks, Lynn, Todd,
Mannis

Substituted for: Senate Bill No. 631

By Senators Bell, Massey

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 120, relative to construction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-120-101]

SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subdivision (a)(5) and substituting:

(5) Shall not discriminate against or in favor of particular construction materials or construction techniques;

[68-120-101]

SECTION 2. Tennessee Code Annotated, Section 68-120-101(b), is amended by adding the following as a new subdivision:

(7)

(A)

(i) Notwithstanding subdivision (a)(5), a local government may adopt a regulation or code, pertaining to construction materials by ordinance or resolution, as appropriate, by majority vote.

(ii) If passage of the ordinance or resolution requires two (2) readings, then the requirement may only be adopted after reading it in open session of the legislative body at meetings on two (2) different days.

(iii) If passage of the ordinance or resolution requires three (3) readings, then the last two (2) readings must occur on two (2) different days.

(iv) A proposed requirement pertaining to construction materials must be a separate item on the agenda and include, in bold type and all caps, the following statement in the meeting notice:

THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.

(B) The consideration of a requirement pertaining to construction materials must be by separate vote. If the requirement is to be part of a general ordinance or resolution, then the requirement pertaining to construction materials must be severable from the rest of the ordinance or resolution, and voted on separately.

PUBLIC CHAPTER NO. 332 (cont'd)

(C) If a local government seeks to modify a regulation, code, or ordinance adopted pursuant to this subdivision (b)(7), then the local government shall make the modification in the same manner as required to adopt a requirement under this subdivision (b)(7).

(D) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) shall not prohibit a particular construction material that is approved by a national building code or the state fire marshal.

(E) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) must allow for the consideration of waivers of the adopted regulation, ordinance, or code pertaining to construction materials, in whole or in part, during the development approval process.

(F) Denial of a waiver related to a regulation, ordinance, or code referenced in subdivision (b)(7)(E) does not constitute a prohibition under subdivision (b)(7)(D).

(G) Except to the extent local law conflicts with these provisions, this section neither grants nor removes local governmental authority to promulgate provisions under home rule charters, private acts, or general state law.

(H) This subdivision (b)(7) does not limit the professional judgment of a licensed design professional with respect to electrical, mechanical, or plumbing standards.

[Effective date 9/1/2021]

SECTION 3. For purposes of local government adoption of a regulation, code, or ordinance relating to construction materials, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect September 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 333**HOUSE BILL NO. 851****By Representative Crawford**

Substituted for: Senate Bill No. 994

By Senator Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to certain records retained by registers of deeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subsection:

() The name, mailing address, physical address, phone number, email address, social security number, or any other personally identifying information provided by an individual, whether or not the individual is a citizen of this state, as part of the individual's use of, or participation in, a government-sponsored or -supported property alert service or program, is not a public record and is not open for public inspection. As used in this subsection (), "property alert service or program" refers to an online service that electronically alerts participants when a document is filed and indexed in the register of deed's office that references the participant's name or address.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it.

PUBLIC CHAPTER NO. 334**HOUSE BILL NO. 856****By Representatives Sherrell, Marsh**

Substituted for: Senate Bill No. 576

By Senators Bowling, Walley

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 4; Title 13, Chapter 7; Title 67, Chapter 5 and Title 67, Chapter 4, relative to the collection of privilege taxes on occupancy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-4-1401]

SECTION 1. Tennessee Code Annotated, Section 67-4-1401(2), is amended by deleting the subdivision and substituting instead the following:

(2) "Hotel" means any structure or space, or any portion thereof, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 335**HOUSE BILL NO. 925****By Representatives Ogles, Cochran**

Substituted for: Senate Bill No. 1425

By Senator Akbari

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to cyber security.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-805]

SECTION 1. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

() Policies and procedures relating to LEA and school cyber security preparedness to identify cyber security risk, implement mitigation planning, and protect cyber infrastructure against cyber attacks and other cyber security threats and incidents. As used in this subdivision (), "cyber security" means the art of protecting networks, devices, and data from unauthorized access or criminal use, and the practice of ensuring the confidentiality, integrity, and availability of information;

[Effective date 7/1/2021]

SECTION 2. For the purposes of revising the template developed by the state-level safety team, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 336**HOUSE BILL NO. 961**

By Representatives Whitson, Griffey, Moon, Sherrell, White, Sparks, Russell, Smith, Moody, Jernigan, Hazlewood, Helton, Cepicky, Hurt

Substituted for: Senate Bill No. 1232

By Senators Rose, Pody, White

AN ACT to amend Tennessee Code Annotated, Section 38-3-113, relative to immunity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[38-3-113]

SECTION 1. Tennessee Code Annotated, Section 38-3-113, is amended by designating the current language as subsection (a) and adding the following new subsection:

(b) A POST-certified law enforcement officer in this state who is employed full-time by a county, municipality, or metropolitan form of government and authorized to make arrests shall, when making an arrest in this state for a crime that was committed outside of the law enforcement officer's jurisdiction, have the same legal status and immunity from suit as a state or local law enforcement officer making an arrest within the state or local law enforcement officer's jurisdiction if the arrest is made under the following circumstances:

(1) The officer reasonably believes that the person arrested has committed a felony in the officer's presence or is committing a felony in the officer's presence;

(2) The officer reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the peace in the officer's presence or is committing a misdemeanor that amounts to a breach of the peace in the officer's presence; or

(3) The officer is rendering assistance to a law enforcement officer of this state in an emergency or at the request of the officer.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 337**HOUSE BILL NO. 1049**

By Mr. Speaker Sexton and Representatives Cepicky, Smith, Doggett

Substituted for: Senate Bill No. 240

By Senator Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 10-7-503 and Section 29-20-401, relative to audits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-7-503]

SECTION 1. Tennessee Code Annotated, Section 10-7-503(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) As used in this subsection (d), "organization" means an association or nonprofit corporation authorized by the laws of this state that:

(A) Was established for the benefit of local government officials or counties, cities, towns, or other local governments or as a municipal bond financing pool;

(B) Receives dues, service fees, or any other income from local government officials or local governments that constitute at least thirty percent (30%) of its total annual income; and

(C) Is authorized under state law to obtain coverage for its employees in the Tennessee consolidated retirement systems.

(2) The records of an organization are confidential and are not open for inspection under subsection (a) if the organization complies with the following requirements:

(A) The comptroller of the treasury or the comptroller's designee audits the organization annually;

(B) The cost of the audit is paid by the organization;

(C) Each audit is completed as soon as practicable after the end of the fiscal year of the organization; and

(D) In addition to other information required by the comptroller of the treasury, each audit contains:

(i) A listing, by name of the recipient, of all compensation, fees, or other remuneration paid by the organization, or any other organization during the audit year to, or accrued on behalf of, the organization's directors and officers;

(ii) A listing, by name of recipient, of all compensation and any other remuneration paid by the organization during the audit year to, or accrued on behalf of, an employee of the organization

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who receives more than twenty-five thousand dollars (\$25,000) in remuneration for such year;

(iii) A listing, by name of beneficiary, of deferred compensation, salary continuation, retirement, or other fringe benefit plan or program (excluding qualified health and life insurance plans available to all employees of the organization on a nondiscriminatory basis) established or maintained by the organization for the benefit of any of the organization's directors, officers, or employees, and the amount of any funds paid or accrued to such plan or program during the audit year; and

(iv) A listing, by name of recipient, of all fees paid by the organization during the audit year to a contractor, professional advisor, or other personal services provider, which exceed two thousand five hundred dollars (\$2,500) for such year. Such listing must also include a statement as to the general effect of each contract and must include each specific amount paid or payable thereunder.

(3) An audit conducted under subdivision (d)(2) must be made available for public inspection and copies of such audit must be made available to the press.

(4) The records of the following organizations are confidential and not subject to this subsection (d):

(A) An organization that employs less than three (3) full-time staff members; and

(B) An organization that was exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3), as of January 1, 1998, and which makes available to the public its federal return of organization exempt from income tax (Form 990) in accordance with the Internal Revenue Code and related regulations.

(5) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to a lobbyist registered with the Tennessee ethics commission who is registered to lobby for other employers in addition to being registered to lobby for the organization.

(6) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to an attorney who is employed by a law firm and performs legal work for other employers in addition to performing legal work for the organization. This subdivision (d)(6) does not prohibit a requestor from obtaining the amounts of compensation or remuneration paid to an attorney on behalf of a political subdivision if the requestor requests the information directly from the political subdivision.

[29-20-401]

SECTION 2. Tennessee Code Annotated, Section 29-20-401(g)(1), is amended by deleting the subdivision and substituting instead the following:

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An insurance pool, special fund, reserve fund, or legal or administrative entity administering any such pool or fund created and authorized under this section must be audited annually by the comptroller of the treasury or the comptroller's designee. The commissioner of commerce and insurance shall assist the comptroller in the audit upon the written request by the comptroller.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 338**HOUSE BILL NO. 1069****By Representatives Eldridge, Shaw, Hazlewood, Clemmons**

Substituted for: Senate Bill No. 590

By Senators Jackson, Yager

AN ACT to amend Tennessee Code Annotated, Section 41-22-116, relative to goods manufactured by inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[41-22-116]

SECTION 1. Tennessee Code Annotated, Section 41-22-116(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) Except as provided in subsections (c)-(f), a person, firm, association, corporation, federal or state authority, or political subdivision thereof, shall not sell or offer for sale goods, wares, or merchandise manufactured, in whole or in part, by inmates, except inmates on parole or probation. This section does not prohibit the sale, exchange, or disposition of those goods to an institution supported wholly or in part by funds derived from public taxation and operated under the supervision of the United States, this state, or any other state, or any political subdivision thereof.

(2) Notwithstanding subdivision (a)(1), goods, wares, and merchandise manufactured by inmates may be offered for sale to government entities or to private nonprofit corporations and charitable organizations that are duly chartered as such under the laws of this state on such terms and conditions as the TRICOR board deems to be in the best interest of this state and if the TRICOR board determines the sales do not unfairly compete with private sector businesses in this state. The inmates making the goods, wares, and merchandise for resale to government entities or to private nonprofit corporations and charitable organizations must be paid an appropriate wage so that the products do not unfairly compete with private sector businesses in this state.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 339**HOUSE BILL NO. 1336****By Representatives Baum, Faison, Moody, Todd**

Substituted for: Senate Bill No. 872

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 12; Title 13; Title 42; Title 54; Title 55; Title 56; Title 62; Title 65; Title 66; Title 67 and Title 68, relative to services offered through online marketplace providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[5-1-133]

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "online marketplace" means a person or entity that:

(1) Provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which a good or service in this state is advertised or offered to the public as available; and

(2) Directly or indirectly provides or maintains a platform for goods or services by performing the following:

(A) Providing a payment system that facilitates a transaction between two (2) platform users;

(B) Transmitting or otherwise communicating the offer or acceptance of a transaction between two (2) platform users;

(C) Owning or operating the infrastructure, whether electronic or physical, or technology that brings two (2) or more users together;

(D) Providing a virtual currency that users are allowed or required to use to transact; or

(E) Providing software development or research and development activities related to any of the activities described in this subdivision (a)(2).

(b) A county, including a county with a metropolitan form of government, shall not:

(1) Regulate the operation of an on line marketplace; or

(2) Require an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order.

PUBLIC CHAPTER NO. 339 (cont'd)

[6-54-147]

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a) As used in this section, “online marketplace” means a person or entity that:

(1) Provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which a good or service in this state is advertised or offered to the public as available; and

(2) Directly or indirectly provides or maintains a platform for goods or services by performing the following:

(A) Providing a payment system that facilitates a transaction between two (2) platform users;

(B) Transmitting or otherwise communicating the offer or acceptance of a transaction between two (2) platform users;

(C) Owning or operating the infrastructure, whether electronic or physical, or technology that brings two (2) or more users together;

(D) Providing a virtual currency that users are allowed or required to use to transact; or

(E) Providing software development or research and development activities related to any of the activities described in this subdivision (a)(2).

(b) A municipality shall not:

(1) Regulate the operation of an on line marketplace; or (2) Require an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order.

[Effective date 5/4/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 340**HOUSE BILL NO. 1353**

By Representatives Vaughan, Freeman, Parkinson, Smith, Gillespie, Hurt, Camper, Curcio, Doggett

Substituted for: Senate Bill No. 1267

By Senators Reeves, Crowe, Massey, Jackson, Rose

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 7, Part 1, relative to nursing graduates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-7-105]

SECTION 1. Tennessee Code Annotated, Section 63-7-105, is amended by adding the following as a new subsection (d):

(d)

(1) Notwithstanding a law to the contrary, a graduate nurse may engage in the practice of professional nursing without a license for a period not to exceed one hundred twenty (120) calendar days from the date of receipt of the first authorization to take the NCLEX-RN examination if:

(A) The graduate nurse's practice occurs in a healthcare institution licensed under title 33 or 68, or an affiliate of the institution;

(B) The graduate nurse is at all times working under the supervision of an individual licensed to practice professional nursing pursuant to § 63-7-105. The graduate nurse must provide the healthcare institution or affiliate of the institution in which they are practicing with:

(i) Proof of the first authorization to take the NCLEX-RN examination; and

(ii) Proof of graduation from an approved school of nursing within the previous ninety (90) days; and

(C) The supervising individual licensed to practice professional nursing pursuant to § 63-7-105 is limited to supervising no more than one (1) graduate nurse at a time.

(2) A graduate nurse is prohibited from:

(A) Being deemed a qualified registered nurse pursuant to § 63-7-103; and

(B) Using another title or identifying as anything but a "graduate nurse" in a clinical setting.

(3) As used in this subsection (d):

(A) "Graduate nurse" means an individual who:

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(i) Holds a diploma or degree from an approved school of nursing that entitles the individual to take the NCLEX-RN licensing examination; and

(ii) Has received authorization to take the NCLEX-RN examination;

(B) "NCLEX-RN" means the national council licensure examination for registered nurses; and

(C) "Supervision" means that the graduate nurse's supervisor is located in the same unit as the graduate nurse when the graduate nurse is performing duties pursuant to this subsection (d).

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 341**HOUSE BILL NO. 1513**

**By Representatives Cochran, Weaver, Crawford, Bricken, Todd,
Smith, Cepicky, Moody, Terry, Lynn**

Substituted for: Senate Bill No. 1034

By Senators Bell, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 22,
relative to the Textbook Transparency Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-2203]

SECTION 1. This act is known and may be cited as the "Textbook
Transparency Act."

[49-6-2203]

SECTION 2. Tennessee Code Annotated, Section 49-6-2203(d), is amended
by deleting subdivision (3) and substituting instead the following:

(3)

(A) In addition to the finished textbooks and instructional materials required to be filed with the secretary of the commission, publishers shall make all textbooks and instructional materials proposed for adoption available for inspection by LEAs and the public online, which may include access via the state textbook depository's website. The online inspection must allow inspection of both the textbook or instructional materials and all accompanying manuals, workbooks, and other ancillary materials. The content, including pictures and graphs, of the textbooks, instructional materials, and supplementary materials that are made available for online inspection must be in finished form and must be the same as what would be distributed to public schools.

(B) The commission shall require that a publisher in its bid document agree to provide complete online copies of the textbooks or instructional materials bid during the review process by the advisory panels for a period of no less than ninety (90) days. Textbooks and instructional materials approved by the state board of education for local adoption must remain accessible to the public pursuant to subdivision (d)(3)(C).

(C)

(i) A publisher that submits textbooks or instructional materials for adoption shall provide the department of education with a link to the textbooks or instructional materials that the public and advisory panel members can use to access the textbooks or instructional

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materials. The department shall post the links provided by publishers pursuant to this subdivision (d)(3)(C)(i) on the department's website.

(ii) A publisher of textbooks or instructional materials approved by the state board for local adoption shall provide each LEA with a link to the textbooks or instructional materials that the public can use to access the textbooks or instructional materials. Each LEA shall:

(a) Post, on the LEA's website, the links provided by publishers pursuant to this subdivision (d)(3)(C)(ii) for textbooks or instructional materials adopted by the LEA; or

(b) Identify, on the LEA's website, the name and publisher of textbooks or instructional materials adopted by the LEA and provide a link to the state textbook depository's website where the textbooks or instructional materials may be accessed.

(iii) The links provided pursuant to this subdivision (d)(3)(C) must remain active for all textbooks and instructional materials approved by the state board for so long as the textbooks and instructional materials are approved for local adoption or adopted by the LEA, respectively.

(D)

(i) A publisher of textbooks or instructional materials for which a waiver is granted to an LEA pursuant to § 49-6-2206, shall provide the respective LEA with a link to the textbooks or instructional materials that the public can use to access the textbooks or instructional materials.

(ii) Each LEA shall:

(a) Post, on the LEA's website, the link provided by the publisher pursuant to subdivision (d)(3)(D)(i); or

(b) Identify, on the LEA's website, the name and publisher of the textbooks or instructional materials for which the LEA received a waiver pursuant to § 49-6-2206, and provide:

(1) A link to the state textbook depository's website where the textbooks or instructional materials may be accessed by the public; or

(2) Instructions for how the public may access the textbooks or instructional materials at the central office of the LEA's local board of education.

(iii) The links provided pursuant to this subdivision (d)(3)(D) must remain active for all textbooks or instructional materials for so long as the textbooks or instructional materials are adopted.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 342**HOUSE BILL NO. 1537****By Representatives Weaver, Cepicky, Lynn**

Substituted for: Senate Bill No. 1036

By Senators Bell, Jackson, Rose

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 22, relative to instructional materials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-2202]

SECTION 1. Tennessee Code Annotated, Section 49-6-2202, is amended by adding the following as new subsections:

(f) The department shall develop a proposed rubric to assist the commission in reviewing and scoring textbooks and instructional materials proposed for adoption. The department shall submit the proposed rubric to the commission for approval. If the commission does not approve the department's proposed rubric, then the commission may request that the department revise the proposed rubric and resubmit the rubric for approval, or the commission may develop or adopt an alternative rubric.

(g) The department of education, including the commissioner of education, or a deputy or assistant commissioner of education, serving as the secretary of the commission, may, at the direction of the commission, assist the commission in the performance of the commission's duties by providing recommendations to the commission, but shall not, when assisting the commission in the performance of the commission's duties or when training newly appointed members of the commission or members of advisory panels, attempt to improperly influence or interfere with:

(1) The commission's review or recommendation of textbooks and instructional materials proposed for adoption;

(2) The commission's review, approval, adoption, or utilization of a rubric to assist the commission in reviewing and scoring textbooks and instructional materials proposed for adoption;

(3) The selection of experts appointed by the commission to serve on an advisory panel to advise the commission on textbooks and instructional materials proposed for adoption; or

(4) An advisory panel's review or recommendation of textbooks and instructional materials proposed for adoption.

PUBLIC CHAPTER NO. 342 (cont'd)**[Effective date 5/4/2021]**

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 343**HOUSE BILL NO. 1558****By Representative Cochran**

Substituted for: Senate Bill No. 1364

By Senator Bell

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1 and Title 54, Chapter 20, Part 1, relative to a county's power to regulate junkyards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[5-1-134]

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as a new section:

A county may regulate junkyards located within the county's boundaries, by rule, regulation, ordinance, zoning, or private act, as long as the rules or regulations are at least as stringent as those promulgated pursuant to the authority contained in the Junkyard Control Act of 1967, compiled in title 54, chapter 20, part 1.

[Effective date 5/4/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 344

HOUSE BILL NO. 1238

By Representatives Lamberth, Gant, Ragan, Calfee, Russell, Halford,
Carr, Rudder, White, Sherrell, Hulsey, Faison, Reedy, Keisling,
Moody, Smith, Terry, Helton, Alexander, Jerry Sexton, Lynn,
Cepicky, Eldridge

Substituted for: Senate Bill No. 1191

By Senators Johnson, Hensley, Kelsey, Pody, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 49, relative to higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 49, ch. 7, part 18; 49-7-1801; 49-7-1802; 49-7-1803; 49-7-1804]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding the following as a new part:

49-7-3101. Short title.

This part is known and may be cited as the "Transparency in Foreign Investment Act."

49-7-3102. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Confucius Institute" means a Confucius Institute or Chinese Language Partner Network operated by the Office of Chinese Language Council International, also known as Hanban, which is affiliated with the ministry of education of the People's Republic of China;

(2) "Contract" means an agreement for the acquisition by purchase, lease, or barter of property or services between a foreign source and an institution, for the direct benefit or use of either of the parties;

(3) "Foreign source" means:

(A) A foreign government, including an agency of a foreign government;

(B) A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states;

(C) An individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and

(D) An agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source, as described in subdivisions (3)(A)-(C);

(4) "Gift" includes a gift of money or property; and

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(5) "Institution" means a public institution of higher education in this state.

49-7-3103. Confucius Institutes prohibited.

An institution shall not host a Confucius Institute.

49-7-3104. Disclosure of foreign gifts and contracts.

(a) An institution shall not accept a gift from a foreign source or enter into a contract with a foreign source if the institution believes that doing so would threaten:

(1) The integrity of the institution's research, instruction, or operations;

(2) The institution's intellectual property rights;

(3) The protection of confidential information; or

(4) The safety and security of the institution, the institution's personnel and students, this state, or the United States.

(b) If an institution receives a gift from a foreign source valued at more than ten thousand dollars (\$10,000), then the institution must disclose the following information with respect to the gift:

(1) The dollar value of the gift;

(2) The name and national affiliation of the foreign source funding the gift;

(3) The department, college, school, or other business unit of the institution to which the gift was made;

(4) The date the gift was received; and

(5) A brief description of the gift.

(c) If an institution enters into a contract with a foreign source valued at more than ten thousand dollars (\$10,000), then the institution must disclose the following information with respect to the contract:

(1) The dollar value of the contract;

(2) The name and national affiliation of the foreign source entering into the contract with the institution;

(3) The department, college, school, or other business unit of the institution that benefits from the contract;

(4) The effective date and termination date of the contract; and

(5) A brief description of the terms of the contract.

(d) If an institution receives multiple gifts from foreign sources affiliated with the same foreign government, and each of the gifts is valued at ten thousand dollars (\$10,000) or less, but the aggregate value of the gifts is more than ten thousand dollars (\$10,000), then all of the gifts must be disclosed in accordance with subsection (b).

(e) If an institution enters into multiple contracts with foreign sources affiliated with the same foreign government, and each of the contracts is valued at ten thousand dollars (\$10,000) or less, but the aggregate value of the contracts is more than ten thousand dollars

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(\$10,000), then all of the contracts must be disclosed in accordance with subsection (c).

(f) By July 31, 2021, and by July 31 of each year thereafter, each institution shall prepare a foreign gifts and contracts disclosure report that includes the information required to be disclosed pursuant to this section, and submit the report to the comptroller of the treasury and the department of safety for review. Each report must disclose the foreign gifts received and the foreign contracts entered into during the fiscal year ending on June 30 prior to the reporting deadline. If an institution does not have a gift or contract subject to disclosure under this section, then the institution must submit a foreign gifts and contracts disclosure report stating that the institution does not have a gift or contract subject to disclosure.

(g) The comptroller shall make the foreign gifts and contracts disclosure reports publicly available on the comptroller's website.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 345**HOUSE BILL NO. 766****By Representatives Lamberth, Gant, Vaughan, Smith, Helton, Howell**

Substituted for: Senate Bill No. 725

By Senators Johnson, Bailey, Stevens

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 2, relative to insurance data security.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 56, ch. 2, part 10; 56-2-1001; 56-2-1002; 56-2-1003; 56-2-1004; 56-2-1005; 56-2-1006; 56-2-1007; 56-2-1008; 56-2-1009; 56-2-1010; 56-2-1011]

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 2, is amended by adding the following as a new part:

56-2-1001. Short title.

This part is known and may be cited as the "Insurance Data Security Law."

56-2-1002. Purpose and intent.

(a) This part establishes the exclusive standards for data security, licensees' investigations of cybersecurity events, and licensees' notification of cybersecurity events to the commissioner and affected consumers.

(b) This part does not create or imply a private cause of action for a violation of this part, nor does this part limit a private cause of action that otherwise exists.

56-2-1003. Part definitions.

As used in this part:

(1) "Authorized individual" means an individual known to and screened by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and the licensee's information systems;

(2) "Commissioner" means the commissioner of commerce and insurance, or the commissioner's designee;

(3) "Consumer" means an individual, including an applicant, policyholder, insured, beneficiary, claimant, or certificate holder, who is a resident of this state and whose nonpublic information is in a licensee's possession, custody, or control;

(4) "Cybersecurity event":

(A) Means an event resulting in unauthorized access to, or disruption or misuse of, an information system or nonpublic information stored on an information system; and

(B) Does not include:

PUBLIC CHAPTER NO. 345 (cont'd)

(i) The unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization; or

(ii) An event in which the licensee determines that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed;

(5) "Department" means the department of commerce and insurance;

(6) "Encrypted" means the transformation of data into a form that results in a low probability that its meaning is discernible without the use of a protective process or key;

(7) "Immediate family" means a spouse; child or grandchild by blood, adoption, or marriage; sibling; parent; or grandparent;

(8) "Information security program" means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information;

(9) "Information system" means:

(A) A discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic nonpublic information; or

(B) A specialized system, including an industrial or process control system, a telephone switching and private branch exchange system, and an environmental control system;

(10) "Licensee":

(A) Means a person:

(i) Licensed, authorized to operate, or registered pursuant to this title; or

(ii) Required to be licensed, authorized to operate, or registered pursuant to this title; and

(B) Does not include a purchasing group or risk retention group chartered and licensed in another state or a person acting as an assuming insurer and domiciled in another state or jurisdiction;

(11) "Multi-factor authentication" means authentication through verification of at least two (2) of the following types of authentication factors:

(A) Knowledge factors, such as by a password;

(B) Possession factors, such as by a token or text message on a mobile phone; or

(C) Inherence factors, such as by a biometric characteristic;

(12) "Nonpublic information" means information that is not publicly available and that is:

(A) Business-related information of a licensee, in which the tampering with, unauthorized disclosure of, access to, or use of,

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would cause a material adverse impact to the business, operations, or security of the licensee;

(B) Information concerning a consumer that, because of a name, number, personal mark, or other identifier, can be used to identify that consumer, in combination with the following:

- (i) A social security number;
- (ii) A driver license number or non-driver identification card number;
- (iii) A financial account number or credit or debit card number;
- (iv) A security code, access code, or password that would permit access to the consumer's financial accounts; or
- (v) Biometric records; or

(C) Information or data, except a person's age or sex, created by or derived from a healthcare provider or a consumer that relates to:

- (i) The past, present, or future physical, mental, or behavioral health or health condition of a consumer or a member of a consumer's immediate family;
- (ii) The provision of health care to a consumer; or
- (iii) Payment for the provision of health care to a consumer;

(13) "Person" means an individual or non-governmental entity, including a sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or another legal entity, whether formed as a for-profit or not-for-profit entity;

(14) "Publicly available information" means information that a licensee has a reasonable basis to believe is lawfully made available to the public. For purposes of this subdivision (14), a licensee has a reasonable basis to believe that information is lawfully made available to the public if the licensee has taken steps reasonably necessary to determine:

(A) That the information is of a type that is available to the public through government records, widely distributed media, or public disclosures required by law; or

(B) That a consumer can direct that the information not be made available to the public and, if so, that the consumer has not made that direction;

(15) "Risk assessment" means the risk assessment that each licensee must conduct under § 56-2-1004(3); and

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(16) "Third-party service provider" means a person, not otherwise defined as a licensee, that contracts with a licensee to maintain, process, or store, or is otherwise permitted access to maintain, process, or store, nonpublic information through its provision of services to the licensee.

56-2-1004. Information security program.

By July 1, 2022, unless provided otherwise in this section:

(1) Commensurate with the size and complexity of the licensee and the nature and scope of its activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by or in the possession, custody, or control of the licensee, each licensee shall develop, implement, and maintain a comprehensive, written information security program based on the licensee's risk assessment that contains administrative, technical, and physical safeguards for the protection of the nonpublic information and the licensee's information system;

(2) A licensee's information security program must be designed to:

(A) Protect the security and confidentiality of nonpublic information and the security of the information system;

(B) Protect against threats or hazards to the security or integrity of nonpublic information and the information system;

(C) Protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to a consumer as a result of unauthorized access or use; and

(D) Define and periodically reevaluate a schedule for retaining nonpublic information and a mechanism for the destruction of nonpublic information when the information is no longer needed;

(3) A licensee shall conduct a risk assessment as follows:

(A) Designate one (1) or more employees, an affiliate, or an outside vendor acting on behalf of the licensee who is responsible for the licensee's information security program;

(B) Identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including threats to the security of information systems and nonpublic information accessible to or held by third-party service providers;

(C) Assess the likelihood and potential damage of reasonably foreseeable internal or external threats, taking into consideration the sensitivity of the nonpublic information involved;

(D) Assess the sufficiency of policies, procedures, information systems, and other safeguards in place to manage threats throughout the licensee's operations, including in:

(i) Employee training and management;

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(ii) Information systems, including network and software design, as well as information classification, governance, processing, storage, transmission, and disposal; and

(iii) Detection, prevention, and response to attacks, intrusions, or other information systems failures; and

(E) Implement information safeguards to manage the threats identified in the licensee's risk assessment and, no less than annually, assess the effectiveness of the safeguards' key controls, systems, and procedures;

(4) Based on a licensee's risk assessment, the licensee shall:

(A) Design an information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee and the nature and scope of its activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by or in the possession, custody, or control of the licensee;

(B) Determine which of the following security measures are appropriate for the licensee and implement those security measures:

(i) Place access controls on information systems, including controls to authenticate and restrict access to authorized individuals to protect against the unauthorized acquisition of nonpublic information;

(ii) Identify and manage the data, personnel, devices, systems, and facilities that enable the licensee to achieve the licensee's business objectives in accordance with the relative importance of the data, personnel, devices, systems, and facilities to the licensee's business objectives and risk strategy;

(iii) Restrict physical access to nonpublic information to authorized individuals;

(iv) Protect by encryption or other appropriate means nonpublic information being transmitted over an external network and nonpublic information stored on a laptop computer or other portable computing or storage device or media;

(v) Adopt secure development practices for internally developed applications utilized by the licensee and procedures for evaluating, assessing, or testing the security of externally developed applications utilized by the licensee;

(vi) Modify the licensee's information system in accordance with the licensee's information security program;

(vii) Utilize effective controls that may include multi-factor authentication procedures for authorized individuals accessing nonpublic information;

(viii) Regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems;

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(ix) Include audit trails within the information security program designed to detect and respond to cybersecurity events and to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;

(x) Implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage, technological failures, or other catastrophic events; and

(xi) Develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format;

(C) Include cybersecurity risks in the licensee's enterprise risk management process;

(D) Remain informed regarding emerging threats or vulnerabilities to the licensee and utilize reasonable security measures when sharing information, relative to the nature of the sharing and the type of information being shared; or

(E) Provide personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in the risk assessment;

(5) If the licensee has a board of directors, then the board or an appropriate committee of the board shall, at a minimum:

(A) Require the licensee's executive management or delegates to develop, implement, and maintain the licensee's information security program;

(B) Require the licensee's executive management or delegates to report in writing, at least annually:

(i) The status of the licensee's information security program and compliance with this part; and

(ii) Material matters related to the licensee's information security program, including risk assessment, risk management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and the licensee's responses thereto, and recommendations for changes to the information security program; and

(C) If the licensee's executive management delegates any of the executive management's responsibilities under this section, then the executive management must oversee the development, implementation,

and maintenance of the licensee's information security program prepared by the delegates and must either prepare the report or receive a copy of the report prepared by the delegates pursuant to subdivision (5)(B);

(6) A licensee shall exercise due diligence in selecting a third-party service provider and, by July 1, 2023, require that each third-party service provider implement appropriate administrative,

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technical, and physical measures to protect and secure the information systems and nonpublic information accessible to, or held by, the third-party service provider;

(7) The licensee shall monitor, evaluate, and adjust, as appropriate, its information security program, consistent with relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to its information, and its changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems;

(8)

(A) As part of a licensee's information security program, a licensee must establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that compromises the confidentiality, integrity, or availability of the licensee's nonpublic information or information systems or the continuing functionality of the licensee's operations;

(B) The incident response plan must address:

(i) The licensee's internal process for responding to a cybersecurity event;

(ii) The goals of the licensee's incident response plan;

(iii) The definition of roles, responsibilities, and levels of decision-making authority relating to a cybersecurity event;

(iv) External and internal communications and information sharing;

(v) The requirements for remediating identified weaknesses in information systems and associated controls;

(vi) Documentation and reporting regarding cybersecurity events and related incident response activities; and

(vii) The evaluation and revision, as necessary, of the incident response plan following a cybersecurity event; and

(9)

(A) Each insurer domiciled in this state shall submit to the commissioner by April 15 of each year written certification that the insurer is in compliance with this section. Each insurer shall maintain for examination by the department all records, schedules, and data supporting the certification for a period of five (5) years from the date of the corresponding certification.

(B) If an insurer identifies areas, systems, or processes requiring material improvement, updating, or redesign, then the insurer must document planned and ongoing remedial efforts to address those areas, systems, or processes, and the documentation must be made available for inspection by the commissioner upon request.

56-2-1005. Investigation of a cybersecurity event.

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(a) If a licensee learns that a cybersecurity event has or may have occurred, then the licensee or an outside vendor or service provider designated to act on behalf of the licensee shall conduct a prompt investigation.

(b) During the investigation, the licensee or outside vendor or service provider shall, at a minimum:

(1) Determine whether a cybersecurity event has occurred;

(2) Assess the nature and scope of the cybersecurity event;

(3) Identify nonpublic information that may have been involved in the cybersecurity event; and

(4) Take or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

(c) If the licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, then the licensee shall complete, or confirm and document that the third-party service provider has completed, the actions required by subsection (b).

(d) The licensee shall maintain records concerning all cybersecurity events for a period of at least five (5) years from the date of discovery of the cybersecurity event and shall provide those records to the commissioner upon request.

(e) If the licensee conducts an investigation or review of a potential or suspected cybersecurity event and determines that an event is not a cybersecurity event, then the licensee must reduce that determination to writing and maintain that writing for a period of at least five (5) years from the date of discovery of the event. The licensee shall provide the writing to the commissioner upon request.

56-2-1006. Notification of a cybersecurity event.

(a) A licensee shall notify the commissioner as soon as practicable, and in no event more than three (3) business days, following a determination that a cybersecurity event has occurred if:

(1)

(A) The licensee is domiciled in this state, in the case of an insurer, as defined in § 56-6-102, or this state is the licensee's home state, in the case of an insurance producer, as defined in § 56-6-102; and

(B) The cybersecurity event has a reasonable likelihood of materially harming a consumer residing in this state or a material part of the licensee's normal operations; or

(2) The licensee reasonably believes that the nonpublic information of two hundred fifty (250) or more consumers residing in this state is involved in the cybersecurity event and that the cybersecurity event is:

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(A) A cybersecurity event of which notice must be provided to a government body, self-regulatory agency, or other supervisory body pursuant to state or federal law; or

(B) A cybersecurity event with a reasonable likelihood of materially harming a consumer residing in this state or a material part of the licensee's normal operations.

(b)

(1) A licensee that must notify the commissioner under subsection (a) shall provide to the commissioner, in a format directed by the commissioner, as much of the following information as is available:

(A) The date of the cybersecurity event;

(B) A description of how the nonpublic information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of third-party service providers with respect to the nonpublic information, if any;

(C) How the cybersecurity event was discovered;

(D) Whether lost, stolen, or breached nonpublic information has been recovered and, if so, how recovery was accomplished;

(E) The identity of the source of the cybersecurity event;

(F) Whether the licensee has filed a police report or notified regulatory, governmental, or law enforcement agencies and, if so, when the notification was provided;

(G) A description of the specific types of nonpublic information or particular data elements acquired without authorization, which may include types of medical information, types of financial information, or types of information allowing for consumer identification;

(H) The period during which the licensee's information system was compromised by the cybersecurity event;

(I) The number of total consumers in this state affected by the cybersecurity event. The licensee shall provide its best estimate of this number of consumers in its initial report to the commissioner and update this estimate with each subsequent report to the commissioner pursuant to this subsection (b);

(J) The results of an internal review and whether the review identified whether automated controls or internal procedures were followed or adhered to;

(K) A description of the efforts to remediate the situation that permitted the cybersecurity event to occur;

(L) A copy of the licensee's privacy policy and a statement outlining the steps that the licensee will take to investigate which consumers were affected by the cybersecurity event and to notify affected consumers;

(M) The name of a person who is both knowledgeable regarding the cybersecurity event and authorized to act on behalf of

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the licensee to serve as a representative of the licensee for contact from the commissioner; and

(N) A copy of the notice sent to affected consumers, if the notice is required under subsection (c).

(2) Licensees shall continually provide material updates or supplements to the information provided under subdivision (b)(1).

(c) Following a determination that a cybersecurity event has occurred and that the cybersecurity event has a reasonable likelihood of materially harming a consumer, a licensee shall notify consumers residing in this state whose nonpublic information has been acquired, or reasonably believed to have been acquired, by the cybersecurity event. The disclosure must be made no later than forty-five (45) days after the determination of the cybersecurity event, unless a longer period of time is required due to the legitimate needs of law enforcement. For purposes of this section, notice may be provided by:

(1) Written notice;

(2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. § 7001, or if the licensee's primary method of communication with the consumer has been by electronic means. Electronic means may include email notification; or

(3) Substitute notice, if the licensee demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars (\$250,000), the affected class of subject persons to be notified exceeds five hundred thousand (500,000) persons, or the licensee does not have sufficient contact information and the notice consists of the following:

(A) Email notice, when the licensee has an email address for the consumer;

(B) Conspicuous posting of the notice on the licensee's website, if the licensee maintains a website page; and

(C) Notification to major statewide media.

(d)

(1) If a licensee becomes aware of a cybersecurity event in the licensee's information system maintained by a third-party service provider, then the licensee must treat the event as if it occurred in an information system maintained by the licensee for purposes of subsection (a).

(2) The licensee's time limitations for purposes of providing notification under subsection (a) begin running when the third-party service provider notifies the licensee of the cybersecurity event or the licensee otherwise gains actual knowledge of the cybersecurity event, whichever is sooner.

(3) This part does not limit or abrogate an agreement between a licensee and another party to fulfill the investigation requirements

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imposed under § 56-2-1005 or the notice requirements imposed under this section.

(e)

(1)

(A) In the case of a cybersecurity event involving nonpublic information that is used by, or in the possession, custody, or control of, a licensee acting as an assuming insurer that does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify the affected ceding insurers and the commissioner of the licensee's state of domicile within three (3) business days of determining that a cybersecurity event has occurred.

(B) The ceding insurers that have a direct contractual relationship with affected consumers must fulfill the consumer notification requirements required under this section.

(2)

(A) In the case of a cybersecurity event involving nonpublic information in the possession, custody, or control of a third-party service provider of a licensee that is an assuming insurer, the assuming insurer shall notify the affected ceding insurers and the commissioner of the licensee's state of domicile within three (3) business days of the third-party service provider notifying the licensee of the cybersecurity event or the licensee otherwise gaining actual knowledge of the cybersecurity event, whichever is sooner.

(B) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements required under this section.

(3) Except as provided in this subsection (e), a licensee acting as assuming insurer has no other notice obligations relating to a cybersecurity event under this section.

(f) In the case of a cybersecurity event involving nonpublic information in the possession, custody, or control of a licensee that is an insurer, or the third-party service provider for which a consumer accessed the insurer's services through an independent insurance producer, and for which consumer notice is required under this part, the insurer shall notify the producers of record of all affected consumers, if known, as soon as practicable, but not later than when such notice is provided to the affected consumers. The insurer is excused from this obligation in those instances in which the insurer does not have the current producer of record information for an individual consumer.

56-2-1007. Authority of commissioner.

(a) In addition to authority under chapter 1, part 4 of this title, the commissioner has the authority to examine and investigate a licensee to determine whether the licensee has been or is engaged in conduct in violation of this part. Those examinations or investigations must be conducted in accordance with chapter 1, part 4 of this title.

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(b) If the commissioner has reason to believe that a licensee has been or is engaged in conduct in this state that violates this part, then the commissioner may take necessary or appropriate action to enforce this part in accordance with part 3 of this chapter.

56-2-1008. Confidentiality.

(a) Documents, materials, or information in the department's control or possession that are furnished by a licensee, or an employee or agent acting on behalf of the licensee, pursuant to § 56-2-1004(9) or § 56-2-1006(b), or that are obtained by the commissioner in connection with an investigation or examination pursuant to § 56-2-1007:

(1) Are confidential and not open for inspection by members of the public under title 10, chapter 7 or § 56-1-602; and

(2) Are not subject to subpoena, subject to discovery, or admissible in evidence in a private civil action, except that the commissioner may use the documents, materials, or information in the furtherance of regulatory or legal action by the commissioner.

(b) The commissioner, or a person who received documents, materials, or information while acting under the authority of the commissioner, is not permitted or required to testify in a private civil action concerning documents, materials, or information made confidential under subsection (a).

(c) Notwithstanding subsection (a), to assist in the commissioner's duties under this part, the commissioner may:

(1) Share documents, materials, or information made confidential under subsection (a) with other state, federal, or international regulatory agencies or law enforcement authorities, the national association of insurance commissioners or its affiliates or subsidiaries, or a third-party consultant or vendor of the department, as long as the recipient agrees in writing to maintain the confidential nature of the documents, materials, or information;

(2) Receive documents, materials, or information, including otherwise confidential documents, materials, or information, from the national association of insurance commissioners or its affiliates or subsidiaries, or from regulatory or law enforcement officials of other foreign or domestic jurisdictions, and the commissioner must maintain as confidential any document, material, or information received with notice or the understanding that it is confidential under the laws of the source jurisdiction; and

(3) Enter into agreements governing sharing and use of documents, materials, or information consistent with this subsection (c).

(d) A waiver of an applicable privilege or confidentiality does not occur as a result of the disclosure of documents, materials, or information by or to the commissioner under subsection (c).

(e) This part does not prohibit the commissioner from releasing final, adjudicated actions open to public inspection under title 10,

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chapter 7 or § 56-1-602 to a database or other clearinghouse service maintained by the national association of insurance commissioners or its affiliates or subsidiaries.

56-2-1009. Exceptions.

(a)

(1) This part does not apply to:

(A) A licensee who employs less than twenty-five (25) individuals, regardless of whether the individuals are employees or independent contractors;

(B) A licensee with less than five million dollars (\$5,000,000) in gross annual revenue; or

(C) A licensee with less than ten million dollars (\$10,000,000) in year-end total assets.

(2) A licensee subject to and governed by the privacy, security, and breach notification rules issued by the United States department of health and human services, 45 CFR Parts 160 and 164, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.), and the federal Health Information Technology for Economic and Clinical Health (HITECH) Act (42 U.S.C. § 300jj et seq. and 42 U.S.C. § 17901 et seq.), and that maintains nonpublic information in the same manner as protected health information meets the requirements of §§ 56-2-1004 and 56-2-1006(c) if the licensee is compliant with, and submits a written statement certifying its compliance with, the federal Health Insurance Portability and Accountability Act of 1996 and the federal Health Information Technology for Economic and Clinical Health.

(3) A licensee subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 (15 U.S.C. §§ 6801-6809 and 6821-6827) that meets the requirements of § 56-2-1006(c) if the licensee is compliant with, and submits a written statement certifying its compliance with, Title V of the federal Gramm-Leach-Bliley Act of 1999.

(4) An employee, agent, representative, or designee of a licensee, who is also a licensee, is exempt from § 56-2-1004 if the activities of the employee, agent, representative, or designee are covered by the other licensee's information security program.

(b) If a licensee ceases to qualify for an exception under subsection (a), then the licensee has one hundred eighty (180) days from the time the licensee no longer qualifies for the exception to comply with this part.

56-2-1010. Penalties.

The commissioner may seek penalties under § 56-2-305 for a violation of this part.

56-2-1011. Rules.

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The commissioner may promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it, and applies to breaches that occur or are discovered on or after that date.

PUBLIC CHAPTER NO. 346

HOUSE BILL NO. 778

By Representatives Lamberth, Gant, Kumar, Hardaway, Towns,
Terry

Substituted for: Senate Bill No. 777

By Senators Johnson, Reeves, Pody

AN ACT to amend Tennessee Code Annotated, Section 29-34-802; Title 63; Title 68 and Title 71, relative to collaborative pharmacy practice agreements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-1-403]

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Chief medical officer" means the chief medical officer for the department of health;

(2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including a mutation of SARS-CoV-2 or COVID-19;

(3) "Vaccine" means a substance used to stimulate the production of antibodies and provide immunity against COVID-19, prepared from the causative agent of a disease, its products, or a synthetic substitute, treated to act as an antigen without inducing the disease, that is authorized or approved by the United States food and drug administration; and

(4) "Vaccine administration training program" means a training program:

(A) Approved by the Accreditation Council for Pharmacy Education (ACPE) related to vaccine administration; and

(B) Includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines.

(b)

(1) The commissioner has the power to declare an epidemic exists in this state. The declaration of an epidemic authorizes the chief medical officer to implement a statewide collaborative pharmacy practice agreement specific to vaccine dispensing and administration with a pharmacist licensed, and practicing, in this state for purposes of dispensing and administering a vaccine to this state's vulnerable population.

(2) A pharmacist licensed, and practicing, in this state is authorized to dispense and administer a vaccine pursuant to a

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statewide collaborative pharmacy practice agreement executed by the chief medical officer.

(3) The statewide collaborative pharmacy practice agreement authorized by the chief medical officer must include, but is not limited to, the following requirements:

(A) The vaccine or vaccines the agreement covers;

(B) The identification of a required vaccine administration training program that the pharmacist must complete before administering a vaccine pursuant to the agreement;

(C) Protocols for vaccine dispensation and administration;

(D) A requirement that a pharmacist dispensing or administering a vaccine pursuant to the agreement hold a current certificate in basic cardiopulmonary resuscitation;

(E) A requirement that a pharmacist dispensing or administering a vaccine pursuant to the agreement complete a minimum of two (2) hours of ACPE-approved, immunization-related continuing pharmacy education during each license renewal period while authorized to dispense and administer a vaccine under the agreement; and

(F) A requirement that a pharmacist dispensing or administering a vaccine pursuant to the agreement comply with recordkeeping and reporting requirements, including, but not limited to:

(i) Informing the patient's primary care provider if the patient identifies a primary care provider;

(ii) Submitting the required immunization information to Tennessee's vaccine registry;

(iii) Complying with requirements related to reporting adverse events; and

(iv) Reviewing the patient's vaccine history, if any, through Tennessee's vaccine registry or other vaccination records prior to administering a vaccine.

(4) Before a pharmacist may enter into a statewide collaborative pharmacy practice agreement with the chief medical officer for the administration of a vaccine, the pharmacist must have documentation of completing a vaccine administration training program required pursuant to subdivision (b)(3)(B).

(5) Upon entering a statewide collaborative pharmacy practice agreement pursuant to this section, a pharmacist must maintain a copy of the agreement and documentation of completion of the vaccine administration training program on file at the pharmacist's place of practice. The pharmacist must make these documents available to the department of health upon request.

[Effective date 5/6/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 347**HOUSE BILL NO. 1040**

By Mr. Speaker Sexton and Representatives Faison, Russell, Bricken, Powell, Hazlewood, Hardaway, Stewart, Kumar, Whitson, Todd, Jernigan, White, Moon, Travis, Gary Hicks, Zachary, Parkinson, Carringer, Haston, Curtis Johnson, Holsclaw, Darby, Calfee, Farmer, Gloria Johnson, Eldridge, Tim Hicks, Hodges, Williams, Gillespie

Substituted for: Senate Bill No. 798

By Mr. Speaker McNally and Senators Briggs, Bowling

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 8; Title 9 and Title 12, relative to services provided to the state by state officials and employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[12-4-103]

SECTION 1. Tennessee Code Annotated, Section 12-4-103(a), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

(A) Except as otherwise provided in this subdivision (a) (2), it is an offense for any member of the general assembly to bid on, sell, or offer for sale any service to a state entity or to have a financial interest in the bidding, selling, or offering for sale of any service to a state entity. The prohibition set out in this subdivision (a)(2)(A) applies during the tenure of the member's office and for six (6) months thereafter.

(B) It is an exception to the application of subdivision (a) (2)(A) if:

(i) A member of the general assembly was elected prior to July 1, 2021;

(ii) The member provided or offered to provide the service to a state entity prior to July 1, 2021, and the service is being provided or offered to the same state entity;

(iii) The member has held office as a member of the general assembly continuously since July 1, 2021; and

(iv) The member disclosed the nature of the service and the name of the state entity to which the service is provided or offered on the member's statement of interest pursuant to § 8-50-502 no later than September 1, 2021, and annually thereafter, for all years in which the member has continuously served as a member of the general assembly.

(C) It is an exception to the application of subdivision (a)(2)(A) if the service is provided through an employment contract,

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an indigent defense contract, or a medical services contract unless prohibited by the Constitution of Tennessee.

(D) It is an exception to the application of subdivision (a)(2) (A) if the financial interest in the bidding, selling, or offering for sale of any service to a state entity is:

(i) Held in a blind trust pursuant to § 35-50-120 prior to administration of the member's oath of office, during the tenure of such member's service as a member of the general assembly, and for at least six (6) months thereafter; and

(ii) Disclosed in accordance with § 2-10-128(a)(3).

(E) The exceptions provided in subdivisions (a)(2)(B)-(D) do not apply to services provided to the legislative branch of state government. This subdivision (a)(2) does not preclude either house of the general assembly from adopting a rule more restrictive than the prohibition set out in subdivision (a)(2)(A).

(F) For purposes of this subdivision (a)(2):

(i) "Compensation" means any salary, fee, payment, reimbursement, or other valuable consideration, or any combination thereof;

(ii) "Service" means any work, labor, or assistance provided in exchange for compensation; and

(iii) "State entity" means an agency, branch, bureau, commission, department, or division of this state, and does not include a local government.

[12-4-103]

SECTION 2. Tennessee Code Annotated, Section 12-4-103, is amended by adding the following language as a new subsection:

(d)

(1) A person who is convicted under subdivision (a)(2) is forever afterwards disqualified from holding any office under the laws or constitution of this state.

(2) If at the time of conviction for an offense specified in subdivision (a)(2), the person still holds an office under the constitution of this state, then this subsection (d) applies to such person at the end of the person's term of office, unless otherwise expelled from office prior to that time.

[8-50-502]

SECTION 3. Tennessee Code Annotated, Section 8-50-502, is amended by adding the following language as a new subdivision:

(10) The name of any agency, branch, bureau, commission, department, or other division of state government for which a member of the general assembly continues to provide or offer to provide a service

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and the nature of the service provided or offered, as required by § 12-4-103. The disclosure required pursuant to this subdivision (10):

(A) Must be made prior to September 1, 2021, and annually thereafter, on the consolidated form in accordance with § 2-10-128; and

(B) Must be made only by members of the general assembly elected prior to July 1, 2021, who are seeking an exemption to the application of § 12-4-103(a)(2)(A).

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 348

HOUSE BILL NO. 1181

By Representatives Rudd, Lamberth, Sherrell, Kumar, Hall, Boyd, Terry, Smith, Moody, Gant, Warner, Weaver, Cepicky, Helton, Doggett, Sparks, Jerry Sexton, Haston, Faison, Grills, Hurt, White, Cochran, Russell, Crawford, Zachary, Williams, Littleton, Ragan, Alexander, Todd, Tim Hicks, Eldridge, Powers, Keisling, Lynn

Substituted for: Senate Bill No. 828

By Senators Bowling, Rose, White

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10; Title 39; Title 62, Chapter 5 and Title 68, relative to abortion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-15-219]

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as a new section:

39-15-219.

(a) As used in this section:

(1) "Abortion facility":

(A) Means any of the following in which abortions are induced or performed:

(i) An ambulatory surgical treatment center, as defined in § 68-11-201;

(ii) A private office; and

(iii) Another facility, as defined in § 68-11-201, in which abortion is legally provided; and

(B) Does not include a hospital, as defined in § 68-11-201, that is licensed pursuant to title 68, as long as the hospital acts pursuant to hospital policies or regulations concerning the disposal of fetal remains that substantially comply with the requirements of this section;

(2) "Cremation" means the heating process by which a human body or body parts are reduced to bone fragments through combustion and evaporation;

(3) "Crematory" has the same meaning as defined in § 62-5-101;

(4) "Fetal remains" means an aborted fetus or fetal tissue that results from an abortion of an unborn child;

(5) "Interment" means the burial or entombment of fetal remains;

(6) "Medical emergency" has the same meaning as defined in § 39-15-211; and

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(7) "Unborn child" means an individual living member of the species, homo sapiens, throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth.

(b)

(1) A person shall not make a final disposition of fetal remains from a surgical abortion that occurs at an abortion facility except by cremation or interment.

(2) The cremation of fetal remains under subdivision (b)(1) must be in a licensed crematory facility.

(c)

(1) A pregnant woman who has a surgical abortion has the right to determine the following regarding the fetal remains:

(A) Whether the final disposition is by cremation or interment; and

(B) The location for the final disposition.

(2) A pregnant woman who has a surgical abortion must be provided with a notification form described in subdivision (m)(1)(A).

(d)

(1) If a pregnant woman desires to exercise the right described in subdivision (c)(1), then the woman must make the determination in writing using a form prescribed by the department of health under subdivision (m)(1)(C). The determination must clearly indicate the following:

(A) Whether the final disposition will be by cremation or interment; and

(B) Whether the final disposition will be at a location other than the location provided by the abortion facility.

(2) If a pregnant woman does not desire to exercise the right described in subdivision (c)(1), then the abortion facility shall determine whether final disposition is by cremation or interment.

(3)

(A) A pregnant woman who is under eighteen (18) years of age, unmarried, and unemancipated shall obtain parental consent from one (1) of the pregnant woman's parents, guardian, or custodian for the final disposition determination the woman makes under subdivision (d)(1). The consent must be made in writing using a form prescribed by the department of health under subdivision (m)(1)(B).

(B) The consent under subdivision (d)(3)(A) is not required for a pregnant woman exercising her rights under subdivision (c)(1) if an order authorizing the minor to consent, or the court to consent on behalf of the minor, to the abortion is issued by a court of competent jurisdiction.

(e)

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(1) A pregnant woman who is carrying more than one (1) unborn child and who desires to exercise the right described in subdivision (c) (1), shall complete one (1) form under subdivision (d)(1) for each unborn child that will be aborted.

(2) A pregnant woman who obtains parental consent under subdivision (d)(3)(A) shall use one (1) consent form for each unborn child that will be aborted.

(f) A form used under subsection (d) that covers more than one (1) unborn child that will be aborted is invalid.

(g) If a pregnant woman desires to exercise the right described in subdivision (c)(1), then an abortion facility shall not release fetal remains from a surgical abortion, or arrange for the cremation or interment of the fetal remains, until the facility obtains a final disposition determination made, and if applicable, the consent made, under subsection (d) or subdivision (e)(1).

(h)

(1) Except as provided in subdivision (h)(2), an abortion facility shall pay for and provide for the cremation or interment of the fetal remains from a surgical abortion performed at that facility.

(2) If the disposition determination made under subsection (d) or subdivision (e)(1) identifies a location for final disposition other than a location provided by the abortion facility, then the pregnant woman is responsible for the costs related to the final disposition of the fetal remains at the chosen location.

(i) An abortion facility shall document in the pregnant woman's medical record the final disposition determination made, and if applicable, the consent made, under subsection (d) or subdivision (e) (1).

(j) An abortion facility shall maintain evidentiary documentation demonstrating the date and method of the disposition of fetal remains from surgical abortions performed or induced in the facility.

(k) An abortion facility shall have written policies and procedures regarding cremation or interment of fetal remains from surgical abortions performed or induced in the facility.

(l) An abortion facility shall develop and maintain a written list of locations at which the facility provides or arranges for the final disposition of fetal remains from surgical abortions.

(m)

(1) The commissioner of health shall develop the following forms or modify existing forms to provide the following:

(A) The notification form informing pregnant women who seek surgical abortions of the following:

(i) The right to determine final disposition of fetal remains under subdivision (c)(1); and

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(ii) The available options for locations and methods for the disposition of fetal remains;

(B) The consent forms for purposes of subsection (d) and subdivision (e)(1);

(C) A form that meets the following requirements:

(i) Indicates whether the pregnant woman has indicated a preference as to the method of disposition of the fetal remains and the preferred method selected;

(ii) Indicates whether the pregnant woman has indicated a preference as to the location of disposition of the fetal remains;

(iii) Provides for the signature of the physician who is to perform or induce the abortion; and

(iv) Provides for a medical identification number for the pregnant woman but does not provide for the pregnant woman's printed name or signature; and

(D) Other forms that the commissioner determines to be necessary to ensure that the fetal remains of each unborn child are properly accounted for during transportation and delivery by and to persons and entities involved in the disposition of the fetal remains.

(2) The commissioner of health shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as necessary to effectuate the purposes of this section.

(3) The commissioner of health may consider the following when promulgating rules to effectuate the purposes of this section:

(A) The need to clearly state in rules that the only legal methods of disposition of fetal remains are by burial or cremation, and that fetal remains cannot be disposed of as infectious waste;

(B) Appropriate time limitations within which abortion providers and facilities must satisfy the requirements of this section; and

(C) The need to establish procedures for the pregnant woman or the pregnant woman's authorized representative to complete the forms described in subdivision (m)(1), within a reasonable time following a medical emergency, in situations where a medical emergency prevents the pregnant woman from completing the forms.

(n) A person who buries or cremates fetal remains from a surgical abortion is not liable for or subject to damages in a civil action, prosecution in a criminal proceeding, or professional disciplinary action related to the disposal of fetal remains, if that person does the following:

(1) Complies in good faith with this section and, if applicable, § 62-5-502;

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(2) Receives a copy of a properly executed form described in subdivision (m)(1)(C); and

(3) Acts in furtherance of the final disposition of the fetal remains.

(o) A conflicting law of this state or conflicting rule of an agency or board does not apply to a person who buries or cremates fetal remains in accordance with subsection (n).

(p) A pregnant woman who has a surgical abortion, the fetal remains from which are not disposed of in compliance with this chapter, is not guilty of committing, attempting to commit, complicity in the commission of, or conspiracy in the commission of a violation of subdivision (q).

(q) A violation of subsection (b), (g), (i), or (j) is a Class A misdemeanor.

(r)

(1) An abortion facility does not violate this section if, upon the request of a law enforcement officer made prior to final disposition of fetal remains, the abortion facility retains the fetal remains and permits the law enforcement officer to collect a portion or all of the fetal remains as evidence in a criminal investigation, as long as the abortion facility subsequently makes final disposition of any remaining fetal remains in accordance with this section.

(2) An abortion facility that retains fetal remains pursuant to this subsection (r):

(A) Shall retain all of the fetal remains of the unborn child that may remain following the collection of evidence by the law enforcement officer; and

(B) Except for those portions of the fetal remains collected as evidence by the law enforcement officer, shall not dispose of any portion of the fetal remains of that unborn child independently of other fetal remains of the same unborn child.

(3) A law enforcement officer that obtains fetal remains pursuant to this subsection (r), shall provide to the abortion facility documentation describing the fetal remains collected as evidence, and the abortion facility shall retain that documentation with the other documentation the abortion facility is required to retain under this section.

(s)

(1) A completed form described in subdivision (m)(1) is confidential and is not a public record open for inspection.

(2) The physician that performs the abortion shall retain completed forms described in subdivision (m)(1) in the pregnant woman's medical record as a record of the disposition of the fetal remains and shall report the disposition of the fetal remains to the commissioner of health, as required under § 39-15-203.

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[62-5-502]

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following as a new section:

62-5-502.

(a) An operator of a crematory facility shall not:

(1) Cremate fetal remains without receiving a copy of a properly executed form described in § 39-15-219(m)(1)(C);

(2) Dispose of cremated fetal remains by a means other than one (1) of the following:

(A) Placing the cremated fetal remains in a grave, crypt, or niche;

(B) Scattering the cremated fetal remains in a dignified manner, including in a memorial garden, at sea, by air, or at a lawful scattering ground;

(C) Releasing the cremated fetal remains to the woman who obtained an abortion or a party designated by the woman; or

(D) Any other lawful manner;

(3) Arrange for the disposal of cremated fetal remains by a means other than the methods described in subdivision (a)(2); or

(4) Arrange for the transfer of the cremated fetal remains for disposal by a means other than the means described in subdivision (a)(2).

(b) An operator of a crematory facility is not required to secure a death certificate, burial permit, transportation permit, or a cremation authorization form to cremate fetal remains.

[39-15-203]

SECTION 3. Tennessee Code Annotated, Section 39-15-203(c), is amended by deleting the subsection and substituting the following:

(c) The method of disposition of an aborted fetus or aborted fetal tissue must comply with § 39-15-219.

[68-3-505]

SECTION 4. Tennessee Code Annotated, Section 68-3-505(a), is amended by deleting the language "authorized by the rules of the board for licensing healthcare facilities" and substituting the language "authorized by § 39-15-219".

[68-3-506]

SECTION 5. Tennessee Code Annotated, Section 68-3-506(a), is amended by deleting the language "Prior to final disposition of a dead fetus" and substituting the language "Prior to final disposition of fetal remains in accordance with § 39-15-219".

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SECTION 6. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 7/1/2021]

SECTION 7. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it, and applies to actions occurring on or after that date.

PUBLIC CHAPTER NO. 349**SENATE BILL NO. 46****By Roberts**

Substituted for: House Bill No. 319

By Ragan, Smith, Todd, Howell

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 65, Chapter 4, relative to the consumer advocate division in the office of the attorney general and reporter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a), is amended by deleting subdivision (17).

[4-29-243]

SECTION 2. Tennessee Code Annotated, Section 4-29-243(a), is amended by inserting the following as a new subdivision:

() Consumer advocate division in the office of the attorney general and reporter, created by § 65-4-118;

[65-4-118]

SECTION 3. The Tennessee public utility commission shall submit a written report to the speaker of the senate, speaker of the house of representatives, chair of the commerce and labor committee of the senate, chair of the commerce committee of the house of representatives, chair of the government operations committee of the senate, and chair of the government operations committee of the house of representatives by December 1, 2021, that includes a detailed plan to transfer the consumer advocate division from the office of the attorney general and reporter to the commission on or before July 1, 2022. The plan must include, but not be limited to, the transfer of the consumer advocate division's duties, authority, personnel, resources, and any other matters relevant to such transfer.

[Effective date 6/30/2021]

SECTION 4. This act takes effect June 30, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 350**SENATE BILL NO. 102**

By Massey, Crowe, Hensley, Bowling, Swann, Bailey, Walley, Reeves, Briggs, Jackson, White, Pody, Gilmore, Yager, Akbari, Kyle, Yarbrow

Substituted for: House Bill No. 119

By Faison, Hawk, Clemmons, Carr, Gillespie, Haston, Keisling, Cepicky, Weaver, Rudder, Doggett, Bricken, Marsh, Warner, Calfee, Ramsey, Alexander, Tim Hicks, Griffey, Dixie, Sherrell, Campbell, Russell, Hardaway, Howell, Lamar, Moody, Lamberth, Curcio, Cooper, Wright, Gary Hicks, Crawford, Kumar, Eldridge, Smith, Thompson, White, Whitson, Littleton, Terry, Williams, Mannis, Love, Hurt, Helton, Garrett, Powell

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, relative to the Silver Alert program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[38-6-121]

SECTION 1. Tennessee Code Annotated, Section 38-6-121, is amended by deleting the section and substituting:

(a) The general assembly finds that in the case of a missing citizen who has wandered due to dementia, physical impairment, or disability, the first few hours are critical in finding the citizen. To aid in the identification and location of missing citizens, there is created a missing citizen alert program called the Silver Alert program. The Tennessee bureau of investigation shall provide oversight and a statewide protocol to be implemented with law enforcement agencies in this state. The Tennessee bureau of investigation and local law enforcement agencies may seek the assistance of nonprofit organizations such as A Child is Missing, the Alzheimer's Association, or Alzheimer's Tennessee.

(b) As used in this section, "missing citizen" means:

(1) A person whose age at the time the person is first reported missing is sixty (60) years of age or older, whose whereabouts are unknown, and who is believed to be in danger because of age, health, mental health conditions, or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance;

(2) A person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, who is believed to be in danger because of the dementia or a physical impairment, and is believed to be unable to return to safety without assistance; or

(3) A person whose age at the time the person is first reported missing is eighteen (18) years of age or older; whose whereabouts are unknown; who has an intellectual, developmental, or physical disability; and who is believed to be in danger because of the disability, or is believed to be unable to return to safety without assistance.

(c)(1) When a local law enforcement agency receives notice that a citizen with a condition described in subdivision (b)(1) is missing and has received a caregiver's statement verifying the condition of the missing citizen, or, when the local law enforcement agency receives notice that a citizen with a condition described in subdivision (b)(2) or (b)(3) is missing and has received medical documentation of that citizen's dementia, physical impairment, or disability, the agency shall begin an investigation immediately and notify the Tennessee bureau of investigation within four (4) hours of receiving the notice of the missing citizen by filing a report with the bureau.

(2) Local law enforcement shall enter the report of the missing citizen with a physical impairment, dementia, physical disability, intellectual disability, or mental health condition into the national crime information center (NCIC) within four (4) hours of the completion of the verification process.

(3) The Tennessee bureau of investigation, in coordination with law enforcement agencies, shall send the alert to designated media outlets in this state within twelve (12) hours of the notification of the missing citizen. Media outlets are strongly encouraged to publicize the information provided in order to promote the safe recovery of the missing citizen. When the alert is sent to media outlets, the alert must contain all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing citizen and a statement instructing anyone with information related to the missing citizen to contact their local law enforcement agency. The alert must contain all appropriate, descriptive information available, including, but not limited to, the location last seen, vehicle information, clothing worn, and photo, if available, that may assist in the safe recovery of the missing citizen.

(4) The law enforcement agency requesting the alert shall cancel the alert upon notification that the missing citizen has been found, including cancellation of the missing person entry into NCIC.

(d)(1) The Tennessee bureau of investigation shall provide information and education on the Silver Alert statewide protocol to all law enforcement agencies in this state.

(2) The Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the Silver Alert program by methods, including, but not limited to, newsletters, press releases, media relations, access to TBI's current media list, and educational instruction through the Tennessee law enforcement training academy.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 351**SENATE BILL NO. 137****By Massey, Pody**

Substituted for: House Bill No. 124

By Howell, Garrett, White, Hardaway, Littleton, Whitson, Jernigan, Helton,
Marsh, Miller

AN ACT to amend Tennessee Code Annotated, Title 54, relative to transportation infrastructure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a)(1) Notwithstanding any law to the contrary, the bridge on State Route 29 / U.S. Highway 27 (Rhea County Highway) spanning the Piney River overflow in Spring City, Rhea County, Tennessee, is hereby designated the "2LT Richard H. Thurman Memorial Bridge" in recognition of the life of Richard Henry Thurman, Second Lieutenant, United States Army, who was tragically killed in a training accident at Ft. Benning, Georgia, on May 3, 1977.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (a)(1) as the "2L T Richard H. Thurman Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(b)(1) Notwithstanding any law to the contrary, the segment of U.S. Highway 51 / State Route 3 in the City of Covington, Tipton County, Tennessee, beginning at the intersection of such road with State Route 59 (Liberty Avenue) and ending at the intersection of such road with Main Street, is hereby designated the "Deputy Sheriff Richard L. 'Ricky' Rose Memorial Highway" to honor the memory of this exemplary public servant who made the ultimate sacrifice on November 29, 1988, when he was shot and killed in the line of duty at the former offices of the Tipton County Sheriff.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subdivision (b)(1) as the "Deputy Sheriff Richard L. 'Ricky' Rose Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "Deputy Sheriff Richard L. 'Ricky' Rose Memorial Highway" provided for in this subsection (b) is for honorary purposes only, and this subsection (b) does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this subsection (b).

(5) This subsection (b) does not require the alteration of any previously named segment or segments of U.S. Highway 51 / State Route 3 described in subdivision (b)(1) as the "Deputy Sheriff Richard L. 'Ricky' Rose Memorial Highway".

(c)(1) Notwithstanding any law to the contrary, the new bridge on U.S. Highway 64 / State Route 40 located just west of the City of Ducktown in Polk County, Tennessee, is hereby designated the "Pvt. John I. Kerns POW/MIA Memorial Bridge" in recognition of the life of valor of John I. Kerns, Private, United States Marine Corps, who, as a Rifleman in the 2nd Raider Battalion in the Pacific Theater during World War II, was captured by enemy forces on Butaritari Island and taken to Kwajalein Atoll and executed. Private Kerns, a native of Copperhill, Tennessee, was declared dead on October 16, 1942, and his remains have never been recovered.

(2) The department of transportation is directed to erect suitable signs or affix suitable markers designating the bridge described in subdivision (c)(1) as the "Pvt. John I. Kerns POW/MIA Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d)(1) Notwithstanding any law to the contrary, the segment of U.S. Highway 51 north of Tipton Crossing in the Town of Atoka, Tipton County, Tennessee, beginning at the intersection of such route with Tipton Road and ending at the intersection of such route with Watson Road, which is currently designated pursuant to Chapter 659 of the Public Acts of 2020 as the "Deputy Sheriff Michael W. Erwin Memorial Highway" must no longer be designated as the "Deputy Sheriff Michael W. Erwin Memorial Highway" on or after the effective date of this act.

(2) Notwithstanding any law to the contrary, the segment of U.S. Highway 51 in the Town of Atoka, Tipton County, Tennessee, beginning at the intersection of such route with Tipton Road and ending at the address 13350 Highway 51 South, Atoka, Tennessee, 38004, is hereby designated the "Deputy Sheriff Michael W. Erwin Memorial Highway" to honor the memory of this exemplary public servant who made the ultimate sacrifice on October 31, 1975, when he was struck and killed by a tractor trailer near this address while outside his vehicle with a motorist.

(3) The department of transportation is directed to erect suitable signs or to affix suitable markers in front of 13350 Highway 51 South, Atoka, Tennessee, 38004, designating the segment described

in subdivision (d)(2) as the "Deputy Sheriff Michael W. Erwin Memorial Highway". The department of transportation is further directed to remove any previously installed sign or marker along the segment of U.S. Highway 51 in Tipton County, Tennessee, identified in subdivision (d)(1). The department of transportation may relocate any previously installed sign or marker to designate the segment identified in subdivision (d)(2). The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(4) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(5) The appellation "Deputy Sheriff Michael W. Erwin Memorial Highway" provided for in this subsection (d) is for honorary purposes only, and this subsection (d) does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this subsection (d).

(6) This subsection (d) does not require the alteration of any previously named segment or segments of U.S. Highway 51 described in subdivision (d)(2) as the "Deputy Sheriff Michael W. Erwin Memorial Highway".

(e)(1) Notwithstanding any law to the contrary, the bridge (Bridge No. 46SR0340005) on State Route 34 / U.S. Highway 421 (South Shady Street) spanning Furnace Creek in Mountain City, Johnson County, Tennessee, is hereby designated the "Deputy Sheriff Allen R. Lipford Memorial Bridge" to honor the memory of this exemplary public servant who made the ultimate sacrifice on December 11, 1991, when he was shot and mortally wounded during an inmate's escape from the county jail.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (e)(1) as the "Deputy Sheriff Allen R. Lipford Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(f)(1) Notwithstanding any law to the contrary, the northbound and southbound segments of Interstate 65 in the City of Goodlettsville, Tennessee, beginning at mile marker 95 and ending at mile marker 96, is hereby designated the "Officer Spencer D. Bristol Memorial Highway" to honor the memory of this exemplary public servant who, as a Master Patrol Officer with the Hendersonville Police Department, made the ultimate sacrifice on December 30, 2019, when he was struck by traffic and fatally wounded while chasing a suspect on foot.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the northbound and southbound segments described in subdivision (f)(1)

as the "Officer Spencer D. Bristol Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "Officer Spencer D. Bristol Memorial Highway" provided for in this subsection (f) is for honorary purposes only, and this subsection (f) does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this subsection (f).

(5) This subsection (f) does not require the alteration of any previously named segment or segments of Interstate 65 described in subdivision (f)(1) as the "Officer Spencer D. Bristol Memorial Highway".

(g)(1) Notwithstanding any law to the contrary, the segment of the road (6th Avenue North) in Davidson County, Tennessee, beginning with the intersection of such road with the parking lot adjacent to Dr. Martin L. King Jr. Blvd and the Tennessee Supreme Court Building and ending at the intersection of such road with Dr. Martin L. King Jr. Blvd near the Cordell Hull and John Sevier state office buildings, is hereby officially renamed as "Lamar Alexander Way" in honor of Senator Lamar Alexander who has served generations of Tennesseans over his lifetime with the highest standards of integrity, honesty, and compassion, both as a United States senator from 2002 until his retirement in 2021 and as the state's forty-fifth governor.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subdivision (g)(1) as the "Lamar Alexander Way".

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "Lamar Alexander Way" provided for in this subsection (g) officially renames the segment of road described in subdivision (g)(1), and requires the alteration of such previously named "6th Avenue North" segment of the road as the "Lamar Alexander Way". Official addresses, and the governmental system for assigning addresses, in any county, municipality, or other governmental entity are affected by this subsection (g).

(h)(1) Notwithstanding any law to the contrary, the segment of the road (2nd Avenue South) in Davidson County, Tennessee, beginning with the intersection of such road with Korean Veterans Boulevard and ending at the intersection of such road with the road (Lindsley Avenue), and the segment of the road (Lindsley Avenue) in Davidson County, Tennessee, beginning with the intersection of such road with the road (2nd Avenue South) and ending at the intersection of such road with the road (1st Avenue South), are each hereby officially renamed as "President Ronald Reagan Way" to honor the memory of this

inspirational public servant who committed himself to public service of the highest order and whose exceptional contributions transformed our great nation.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segments described in subdivision (h)(1) as the "President Ronald Reagan Way".

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "President Ronald Reagan Way" provided for in this subsection (h) officially renames the segments of road described in subdivision (h)(1), and requires the alteration of such previously named "2nd Avenue South" and "Lindsley Avenue" segments of the roads as the "President Ronald Reagan Way". Official addresses, and the governmental system for assigning addresses, in any county, municipality, or other governmental entity are affected by this subsection (h).

(i)(1) Notwithstanding any law to the contrary, the Lee Ford bridge on State Route 130 in Franklin County, Tennessee, is hereby designated the "Kenneth Parker Shasteen Memorial Bridge" to honor the memory of Private First Class Kenneth Parker Shasteen who served in the United States Marine Corps and who made the ultimate sacrifice on May 5, 1968, when he was killed during a combat mission in the Vietnam War.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (i)(1) as the "Kenneth Parker Shasteen Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(j)(1) Notwithstanding any law to the contrary, the segment of U.S. Highway 31 (State Route 6) in Williamson County, Tennessee, beginning at the intersection of such route with West Concord Road and ending at the intersection of such route with Murray Lane, is hereby designated the "Officer Destin Legieza Memorial Highway" to honor the memory of this dedicated public servant to the City of Brentwood, Tennessee, who made the ultimate sacrifice on June 18, 2020, after the vehicle he was driving while serving in the line of duty as a Brentwood Police Officer was struck head-on by another vehicle.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subdivision (j)(1) as the "Officer Destin Legieza Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "Officer Destin Legieza Memorial Highway" provided for in this subsection (j) is for honorary purposes only, and this subsection (j) does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this subsection (j).

(5) This subsection (j) does not require the alteration of any previously named segment or segments of U.S. Highway 31 / State Route 6 described in subdivision (j)(1) as the "Officer Destin Legieza Memorial Highway".

SECTION 2.

(a) Notwithstanding any law to the contrary, the segment of State Route 149 within Houston County, beginning at the Stewart County - Houston County boundary and ending at the boundary of the City of Erin, Tennessee, within Houston County, is hereby designated "The Gold Star Families Memorial Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "The Gold Star Families Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Gold Star Families Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 149 described in subsection (a) as "The Gold Star Families Memorial Highway".

SECTION 3.

(a) Notwithstanding any law to the contrary, the entire segment of State Route 437 (Shelbyville Bypass), which lies wholly within the boundaries of Bedford County, Tennessee, is hereby designated the "Mayor Eugene Ray Memorial Highway" in honor of this well-respected, lifelong resident of the City of Shelbyville, Bedford County, Tennessee, who was the first African American elected as Bedford County Mayor and who served as mayor for twelve (12) years and as a county commissioner for twenty-eight (28) years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Mayor Eugene Ray Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Mayor Eugene Ray Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 437 described in subsection (a) as the "Mayor Eugene Ray Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 4.

(a) Notwithstanding any law to the contrary, the segments of U.S. Highways 441 and 321 (Parkway) in Sevier County, Tennessee, beginning from the intersection of such route with U.S. Highways 441 and 411 (West Main Street) in the City of Sevierville, Sevier County, Tennessee, southward to the corporate limits of the City of Gatlinburg, Tennessee, are each hereby designated "The Gold Star Families Memorial Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segments described in subsection (a) as "The Gold Star Families Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Gold Star Families Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 441 and 321 described in subsection (a) as "The Gold Star Families Memorial Highway".

SECTION 5.

(a) Notwithstanding any law to the contrary, the segment of State Routes 99/269 beginning from the intersection of such route with South Main Street (U.S. Highway 41A) in the City of Eagleville, Tennessee, to the intersection of such route with Old Highway 99 in Rutherford County, Tennessee, is hereby designated as the "John Edward Turner Memorial Highway" in honor of this lifelong and influential resident of the City of Eagleville, Rutherford County, Tennessee.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "John Edward Turner Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "John Edward Turner Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of any highway described in subsection (a) as the "John Edward Turner Memorial Highway".

SECTION 6.

(a) Notwithstanding any law to the contrary, the parallel bridges on State Route 396 spanning Kedron Road in the City of Spring Hill, Maury County, Tennessee, are each hereby designated the "J.B. Napier and Shirley Napier Memorial Bridge" to honor the memory of J.B. Napier who served as Chair of the Transportation Committee of the House of Representatives during his fourteen-year tenure representing the 64th District, and Shirley Napier, his beloved wife, who served as Clerk and Master for Maury County for twenty-three (23) years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "J.B. Napier and Shirley Napier Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 7.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 50S62300005) on State Route 240 (Turnpike Road) spanning the Buffalo River in Lawrence County, Tennessee, is hereby designated the "Sam Washburn, Sr. Memorial Bridge" to honor the memory of this well-respected, lifelong resident of the Henryville Community, who helped establish the Henryville Volunteer Fire Department and served on both the county commission and school board for Lawrence County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Sam Washburn, Sr. Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 8.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 28S62080001) on State Route 166 spanning Jenkins Creek in Giles County, Tennessee, is hereby designated the "Billy Turner Memorial Bridge" to honor the memory of this well-respected resident of Giles County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Billy Turner Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 9.

(a) Notwithstanding any law to the contrary, the western end of the bridge (Bridge No. 36SR0690035) on State Route 69 spanning Doe Creek in Hardin County, Tennessee, is hereby designated the "James Watt Holt Memorial Bridge" to honor the memory of this devoted patriot, civil servant, and resident of the City of Savannah, Hardin County, Tennessee, who, as a veteran of the Korean War and the Vietnam War, became the first African-American police officer for the Savannah Police Department upon his retirement from twenty-three (23) years of service in the United States Army.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "James Watt Holt Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 10.

(a) Notwithstanding any law to the contrary, the segment of Interstate Highway 24 beginning from mile marker 8 and ending at mile marker 11, in Montgomery County, Tennessee, is hereby designated as the "Riley Darnell Memorial Highway" in honor of this well-respected veteran, lawyer, statesman, and resident of the City of Clarksville, who devoted his life to public service, serving as the state representative from the 67th District from 1970 to 1980, as the State Senator from the 22nd District from 1980 to 1992, and as Tennessee's Secretary of State from 1993 to 2009.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Riley Darnell Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Riley Darnell Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental

system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of any highway described in subsection (a) as the "Riley Darnell Memorial Highway".

SECTION 11.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 79 within Henry County, beginning at the western shore of the Tennessee River at Paris Landing State Park and ending at the boundary of the City of Paris, Tennessee, is hereby designated "The Gold Star Families Memorial Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "The Gold Star Families Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs shall be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Gold Star Families Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 79 described in subsection (a) as "The Gold Star Families Memorial Highway".

SECTION 12.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 321 within the City of Townsend, Blount County, Tennessee, is hereby designated the "Vietnam Veterans' Memorial Highway" to honor the courageous veterans who bravely offered their service to this country during the Vietnam War.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Vietnam Veterans' Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation the "Vietnam Veterans' Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 321 described in subsection (a) as the "Vietnam Veterans' Memorial Highway".

SECTION 13.

(a) Notwithstanding any law to the contrary, the segment of State Route 317 (Apison Pike) within Hamilton County, Tennessee, beginning at the intersection of such route with Pattentown Road and ending at the intersection of such route with U.S. Highway 321 (Ooltewah-Ringgold Road), is hereby designated as "Veterans' Memorial Drive" to honor the courageous veterans who have served their country, past and present, and who have contributed to the freedoms that all Tennesseans enjoy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Veterans' Memorial Drive".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the

difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Veterans' Memorial Drive" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 317 described in subsection (a) as "Veterans' Memorial Drive".

SECTION 14.

(a) Notwithstanding any law to the contrary, the segment of State Route 57 within the Pocahontas community in Hardeman County, Tennessee, beginning at the intersection of such route with Peavine Road and ending at the United States Post Office located between the intersections of such route with Main Street and Block Church Road within the Pocahontas community is hereby designated as "The Lee McAlpin 'Rock and Roll' Highway" to honor Lee McAlpin, an accomplished musician, songwriter, author, and resident of the Pocahontas community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "The Lee McAlpin 'Rock and Roll' Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Lee McAlpin 'Rock and Roll' Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 57 described in subsection (a) as "The Lee McAlpin 'Rock and Roll' Highway".

SECTION 15.

(a) Notwithstanding any law to the contrary, the segment of Wacker Boulevard NW within Bradley County, Tennessee, beginning at the intersection of such route with State Route 308 (Lauderdale Memorial Highway) and ending at the intersection of such route with Old Lower River Road, is hereby designated as the "Wright Brothers Industrial Corridor" to honor James and Robert Wright and their families' contributions to the industrial development of Bradley County, and the significant growth and impact of Wright Brothers Construction since its establishment in 1961.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Wright Brothers Industrial Corridor".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Wright Brothers Industrial Corridor" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments described in subsection (a) as the "Wright Brothers Industrial Corridor".

SECTION 16.

(a) Notwithstanding any law to the contrary, the intersection of State Route 45 (Old Hickory Boulevard) and Shute Lane in Davidson County, Tennessee, is hereby designated as the "Phyllis Stewart Williams Memorial Intersection" in honor of this dedicated resident and exemplary leader in the Donelson, Hermitage, and Old Hickory communities.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the intersection described in subsection (a) as the "Phyllis Stewart Williams Memorial Intersection".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Phyllis Stewart Williams Memorial Intersection" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of any highway described in subsection (a) as the "Phyllis Stewart Williams Memorial Intersection".

SECTION 17.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 412 beginning from the intersection of such route with Darbytown Road in the City of Hohenwald, Tennessee, to the National Guard Armory located at 1177 West Main Street, Hohenwald, Tennessee, is hereby designated as the "Wm. Landis Turner Memorial Highway" in honor of this dedicated attorney and influential resident of the City of Hohenwald and Lewis County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Wm. Landis Turner Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Wm. Landis Turner Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental

system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of any highway described in subsection (a) as the "Wm. Landis Turner Memorial Highway".

SECTION 18.

(a) Notwithstanding any law to the contrary and for the purpose of extending the existing Lamar Alexander Parkway into Roane County, the segment of State Route 95 beginning at the intersection of such route with Interstate 40 and U.S. Highway 321 in Loudon County, Tennessee, and ending at the intersection of such route with State Route 58 (Oak Ridge Parkway) in Roane County, Tennessee, is hereby designated as the "Lamar Alexander Parkway" to honor Senator Lamar Alexander for his lifetime of exemplary service to the state of Tennessee as a United States senator and as the state's forty-fifth governor by extending the current appellation for the segment of U.S. Highway 321 located within Loudon and Blount counties.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Lamar Alexander Parkway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Lamar Alexander Parkway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 95 described in subsection (a) as the "Lamar Alexander Parkway".

SECTION 19.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 68SR0130017) on State Route 13 spanning the Buffalo River in Perry County, Tennessee, which is currently designated pursuant to Chapter 659 of the Public Acts of 2020 as the "William Glen Coble Bridge" shall

no longer be designated as the "William Glen Coble Bridge" on or after the effective date of this act.

(b) Notwithstanding any law to the contrary, the bridge (Bridge No. 68SR0130013) on State Route 13 in the City of Lobelville in Perry County, Tennessee, is hereby designated the "William Glen Coble Bridge" in honor of this beloved resident of Perry County who has been dedicated to the betterment of the quality of life in the community.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "William Glen Coble Bridge". The department of transportation is further directed to remove any previously installed signs or markers from the bridge (Bridge No. 68SR0130017) on State Route 13 spanning the Buffalo River in Perry County, Tennessee, identified in subsection (a). The department of transportation may relocate the previously installed signs or markers to designate the bridge identified in subsection (b).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 20.

(a) Notwithstanding any law to the contrary, the bridge on State Route 32 (South Davy Crockett Parkway) spanning Interstate 81 in Hamblen County, Tennessee, is hereby designated the "Sheriff Otto Purkey Memorial Bridge" to honor the memory and service of this former sheriff of Hamblen County, who retired in 2006 after serving two terms as sheriff and twenty-eight years as a law enforcement officer.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Sheriff Otto Purkey Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state

for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 21.

(a) Notwithstanding any law to the contrary, the segment of State Route 191 (Birdsong Road) within Benton County, Tennessee, beginning at the intersection of such route with the ramp of Exit 133 of Interstate 40 and ending at the intersection of such route with U.S. Highway 70, is hereby designated as the "Representative James L. Peach Highway" to honor this community and business leader who served as State Representative for the 74th District in the 99th General Assembly.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Representative James L. Peach Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Representative James L. Peach Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 191 described in subsection (a) as "Representative James L. Peach Highway".

SECTION 22.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 03E03470001) on State Route 191 (Birdsong Road) spanning Eagle Creek in Benton County, Tennessee, is hereby designated the "Representative James L. Peach Bridge" to honor this community and business leader who served as State Representative for the 7 4th District in the 99th General Assembly.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Representative James L. Peach Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 23.

(a) Notwithstanding any law to the contrary, the segment of State Route 294 (Willow Grove Highway) within Overton County, Tennessee, beginning at the intersection of such route with Old Stover Road and ending at the intersection of such route with Boot Hill Lane, is hereby designated as the "David W. Dorminey Memorial Highway" to honor this community and business leader and veteran who served in the 82nd Airborne Division during the Vietnam Era.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "David W. Dorminey Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "David W. Dorminey Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 294 described in subsection (a) as "David W. Dorminey Memorial Highway".

SECTION 24.

(a) Notwithstanding any law to the contrary, the segments of highway in the town of Baileyton, Greene County, Tennessee, beginning with State Route 172 at the southernmost intersection of such route with Boulder Loop, continuing through the current northern terminus of State Route 172 at Exit 36 of Interstate 81 as Van Hill Road, and ending at the intersection of Van Hill Road and Horton Highway, are hereby designated as the "Carl J. Brandon Memorial Highway" to honor the memory and service of this prominent leader, successful businessman, and respected member of the greater Baileyton and Greeneville/Greene County communities.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segments described in subsection (a) as the "Carl J. Brandon Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Carl J. Brandon Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of highway described in subsection (a) as the "Carl J. Brandon Memorial Highway".

SECTION 25.

(a) Notwithstanding any law to the contrary, the bridge on State Route 255 (Harding Place) spanning Interstate 24 in Davidson County, Tennessee, is hereby designated the "William M. Duncan Memorial Bridge" to honor the memory of this respected resident and veteran, who lived a life of service to the City of Nashville and its residents.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "William M. Duncan Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 26.

(a) Notwithstanding any law to the contrary, the segment of State Route 69 / U.S. Highway 641 within Benton County, Tennessee, beginning from the Benton-Decatur County boundary and ending at the limits of the City of Camden, is hereby designated as the "Miss Tennessee Volunteer Kerri Arnold Highway" to honor this native of the Holladay community and person of exemplary character who, through her efforts as Miss Tennessee Volunteer and beyond, has demonstrated a dedication to education, responsibility, volunteerism, and empowerment to the benefit of students and residents of this state alike.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Miss Tennessee Volunteer Kerri Arnold Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Miss Tennessee Volunteer Kerri Arnold Highway" provided for in this section is for honorary purposes only,

and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 69 / U.S. Highway 641 described in subsection (a) as the "Miss Tennessee Volunteer Kerri Arnold Highway".

SECTION 27.

(a) Notwithstanding any law to the contrary, the segment of State Route 233 (Cumberland City Road) within Stewart County, Tennessee, beginning from the intersection of such route with State Route 49 and ending at the limits of the Town of Cumberland City, is hereby designated as the "Petty Officer 1st Class Rick L. Boyd Highway" to honor this respected resident of Stewart County and veteran of the United States Navy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Petty Officer 1st Class Rick L. Boyd Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Petty Officer 1st Class Rick L. Boyd Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 233 described in subsection (a) as the "Petty Officer 1st Class Rick L. Boyd Highway".

SECTION 28.

(a) Notwithstanding any law to the contrary, the segment of State Route 12 within Cheatham County, Tennessee, beginning at the intersection of such route with Bobbitt Road and ending at the intersection of such route with Lockertsville Road, is hereby designated as the "2019 Lady Cubs Basketball State Champion Highway" to honor the accomplishments of the 2019 Cheatham County Central

High School women's basketball team and their TSSM championship victory.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "2019 Lady Cubs Basketball State Champion Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "2019 Lady Cubs Basketball State Champion Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 12 described in subsection (a) as the "2019 Lady Cubs Basketball State Champion Highway".

SECTION 29.

(a) Notwithstanding any law to the contrary, the segment of Old Andrew Johnson Highway in Jefferson County, Tennessee, beginning with the intersection of such route with U.S. Highway 11 E and ending at the intersection of such route with Odyssey Road, is hereby designated as the "J.E. Moser Highway" to honor this prominent leader, successful businessman, and lifelong and respected resident of Jefferson County, as well as eight generations of the Moser family in Jefferson County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "J.E. Moser Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state

for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "J.E. Moser Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Old Andrew Johnson Highway described in subsection (a) as the "J.E. Moser Highway".

SECTION 30.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 59SR0110011) on State Route 11 / U.S. Highway 31A spanning Rock Creek between mile marker 7 and 8 in Marshall County, Tennessee, is hereby designated the "Anthony Eugene James, Sr. Memorial Bridge" to honor the memory of Anthony Eugene James, Sr., who operated a radiology clinic that provided a great service to many residents of Lewisburg and Marshall County and who was a generous and active member of the community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Anthony Eugene James, Sr. Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 31.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 360A0510003) on Sulphur Wells Road spanning White Oak Creek in Hardin County, Tennessee, is hereby designated the "PFC Arthur Ross, Jr. Memorial Bridge" to honor the memory of this devoted patriot, husband, father, grandfather, and resident of the Morris Chapel

Community, Hardin County, Tennessee, who, as a veteran of World War II, was awarded the Bronze Star by General George Patton for his act of heroism evacuating casualties from a disabled tank under direct fire on January 6, 1945, in Belgium.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "PFC Arthur Ross, Jr. Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 32.

(a) Notwithstanding any law to the contrary, the segment of State Route 25 within Sumner County, beginning at the Robertson County - Sumner County boundary and ending at the Sumner County - Trousdale County boundary, is hereby designated "The Gold Star Families of Sumner County Memorial Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "The Gold Star Families of Sumner County Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Gold Star Families of Sumner County Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 25 described in subsection (a) as "The Gold Star Families of Sumner County Memorial Highway".

SECTION 33.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 41 (Ringgold Road) within the City of East Ridge, Hamilton County, Tennessee, beginning at the intersection of such route with Seminole Drive and ending at the intersection of such route with Germantown Road, is hereby designated as the "Coach Catherine Neely Memorial Highway" to honor this legendary teacher and coach at East Ridge High School who enjoyed a fifty-year career during which she compiled over 2,000 career wins, was elected to seven halls of fame, and left behind an indelible mark on her students, players, community, and family.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Coach Catherine Neely Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Coach Catherine Neely Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 41 described in subsection (a) as the "Coach Catherine Neely Memorial Highway".

SECTION 34.

(a) Notwithstanding any law to the contrary, the bridge on State Route 80 spanning Peyton's Creek near the intersection of such route

with Stone Branch Road in Smith County, Tennessee, is hereby designated the "Phillip Evitts Memorial Bridge" to honor the memory of Phillip Evitts, who was a well-respected farmer and leader in the agricultural community in Smith County and a lifelong resident of the Pleasant Shade community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Phillip Evitts Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 35.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 80SR0240017) on State Route 24 (Cookeville Highway) spanning Snow Creek near the intersection of such route with Stonewall Highway in Smith County, Tennessee, is hereby designated the "Stanford Maynard Memorial Bridge" to honor the memory of Stanford Maynard, a beloved husband and father who built a career in the road and bridge building field beginning in the 1950s until his retirement in 2005.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Stanford Maynard Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring

person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 36.

(a) Notwithstanding any law to the contrary, the Exit 174 interchange on Interstate Highway 24 in Hamilton County is hereby designated as the "Ray Adkins Interchange" in honor of this distinguished, well-respected resident of Hamilton County and veteran who retired in 1998 from the United States Army Reserve with the rank of Lieutenant Colonel after completing thirty-four (34) years of service, and who dedicated his life to serving others in the Hamilton County community as a member of several local boards and committees.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at Exit 174 on Interstate Highway 24, both eastbound and westbound in Hamilton County designating the interchange as the "Ray Adkins Interchange".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Ray Adkins Interchange" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Interstate Highway 24 described in subsection (a) as the "Ray Adkins Interchange".

SECTION 37.

(a) Notwithstanding any law to the contrary, the bridge (67SR0840011) on State Route 84 (Rickman Monterey Highway) spanning State Route 111 and Town Creek in the City of Livingston, Overton County, Tennessee, is hereby designated the "John Houser Memorial Bridge" to honor the memory of John Houser, a beloved husband, father, grandfather, and great-grandfather who was a well-respected business owner and leader in the Overton County community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "John Houser Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 38.

(a) Notwithstanding any law to the contrary, the segment of State Route 20 (Summertown Highway) between mile markers 16 and 17 in Lewis County in front of 3310 Summertown Highway, is hereby designated the "Robert 'Bud' McKnight Jr. Memorial Highway" to honor the memory of this beloved, well-respected resident of Lewis County and veteran of the Vietnam War who received two (2) Purple Hearts and the Bronze Star for his service.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Robert 'Bud' McKnight Jr. Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Robert 'Bud' McKnight Jr. Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 20 described in subsection (a) as the "Robert 'Bud' McKnight Jr. Memorial Highway".

SECTION 39.

(a) Notwithstanding any law to the contrary, the one-mile segment of Interstate Highway 440 immediately preceding Exit 1 in Davidson County is hereby designated as the "Caitlyn Kaufman Memorial Mile" to honor the memory of this beloved resident of Lebanon, Tennessee and dedicated and empathetic nurse who cared for COVID-19 patients in the Intensive Care Unit, whose life was tragically cut short on December 3, 2020, when she was shot while driving her vehicle on her way to work on Interstate Highway 440.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs near Exit 1 on Interstate Highway 440, both northbound and southbound, in Davidson County designating the segment as the "Caitlyn Kaufman Memorial Mile".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Caitlyn Kaufman Memorial Mile" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Interstate Highway 440 described in subsection (a) as the "Caitlyn Kaufman Memorial Mile".

SECTION 40.

(a) Notwithstanding any law to the contrary, the segment of State Route 60 (Georgetown Road) within the City of Cleveland, Bradley County, Tennessee, measuring 1,000 feet in length and centered at 4600 Georgetown Road, is hereby designated as the "Seaman Douglas H. Long Memorial Highway" to honor this member of the community and Sailor in the United States Navy who was tragically killed in a head-on collision on this segment of road on September 20, 2018.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Seaman Douglas H. Long Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Seaman Douglas H. Long Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 60 described in subsection (a) as the "Seaman Douglas H. Long Memorial Highway".

SECTION 41.

(a) Notwithstanding any law to the contrary, the segment of State Route 52 (Clay County Highway) within Clay County, Tennessee, beginning at the intersection of such route with New Hope Road and ending at the intersection of such route with Little Proctor Creek Road, is hereby designated as the "Louis and Eva Nell Plumlee Memorial Highway" to honor these highly respected and selfless members of the local community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Louis and Eva Nell Plumlee Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate

funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Louis and Eva Nell Plumlee Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 52 described in subsection (a) as the "Louis and Eva Nell Plumlee Memorial Highway".

SECTION 42.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 51 within the City of Dyersburg, Dyer County, Tennessee, beginning at mile marker 3 and ending at mile marker 4, is hereby designated as the "Landon Parker Hughes Memorial Highway" to honor this young resident who was active in the school band, an avid reader, and a big Harry Potter fan who was always kind, smiling, and had a silly joke to tell, and who was tragically killed in a car accident on his last day of 6th grade, May 21, 2019.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Landon Parker Hughes Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Landon Parker Hughes Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 51 described in subsection (a) as the "Landon Parker Hughes Memorial Highway".

SECTION 43.

(a) Notwithstanding any law to the contrary, the bridge (Bridge No. 38S80540009) on State Route 179 (Eurekaton Road) spanning

Poplar Creek in Haywood County, Tennessee, is hereby designated the "Patrick Cayce Gaines III Memorial Bridge" to honor this local resident and avid outdoorsman who tragically lost his life at eighteen (18) years of age in a car accident.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Patrick Cayce Gaines III Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 44.

(a) Notwithstanding any law to the contrary, the segment of U.S. Highway 41 within the City of Springfield, Tennessee, beginning at the intersection of such route with Stonewall Drive and ending at the intersection of such route with Experiment Station Road, is hereby designated "The Gold Star Families Memorial Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "The Gold Star Families Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "The Gold Star Families Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 41 described in subsection (a) as "The Gold Star Families Memorial Highway".

SECTION 45.

(a) Notwithstanding any law to the contrary, the segment of State Route 52 (Clay County Highway) within Clay County, Tennessee, beginning at the intersection of such route with Union Hill Moss Road and ending at the intersection of such route with Paul Reecer Road, is hereby designated as the "John 'Mock' Rich Highway - Korean War Veteran" to honor this humble, hardworking resident, family man, and veteran who was a true leader, friend, and good man.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "John 'Mock' Rich Highway - Korean War Veteran".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "John 'Mock' Rich Highway - Korean War Veteran" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 52 described in subsection (a) as the "John 'Mock' Rich Highway - Korean War Veteran".

SECTION 46.

(a) Notwithstanding any law to the contrary, the bridge on State Route 30 (Old Washington Highway), near the intersection of such route with White Oak Road and New Union Road, spanning Rattan

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Branch in Rhea County, Tennessee, is hereby designated the "Dakota Howard Bridge" to honor this respected resident of Rhea County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Dakota Howard Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 47.

(a) Notwithstanding any law to the contrary, the segment of State Route 151 (East Main Street), beginning at the intersection of such route with Main Street and ending at the State Route 52 Overpass in Red Boiling Springs, Tennessee, is hereby designated "Bush Memorial Highway" to honor Oscar David Bush and his sons Kenneth Gordon Bush and Fay McNeal Bush, respected residents of Macon County whose courage and dedication to this county are reflected through their decorated and combined service in World War I, World War II, the Korean War, and the Vietnam War and their impact in their community upon their return.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Bush Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate

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funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Bush Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 151 described in subsection (a) as "Bush Memorial Highway".

SECTION 48.

(a) Notwithstanding any law to the contrary, the bridge on U.S. Highway 51 located between log mile 19 and log mile 20 in the City of Covington, Tipton County, Tennessee, is hereby designated the "Bryton Lee Midkiff Memorial Bridge" to honor this hard-working local resident and avid outdoorsman who tragically lost his life at age eighteen in a car accident.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Bryton Lee Midkiff Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 49. A presentation copy or copies of this act, or pertinent sections thereof, must be made available to members of the general assembly upon their request to the appropriate clerk's office.

[Effective date 5/11/2021]

SECTION 50. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 352

SENATE BILL NO. 161

By Briggs, Walley, Powers, Akbari, Campbell

Substituted for: House Bill No. 455

By Thompson, Ragan, Hodges, Moon, Whitson, Hall, Wright, Smith, Ramsey,
Jernigan, Cooper, Towns, Parkinson, Hardaway, Freeman, Camper, Terry,
Clemmons, Dixie, Powell, Beck

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 33; Title
63 and Title 68, relative to psychology.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[T. 63, ch. 11, part 5; 63-11-501; 63-11-502; 63-11-503; 63-11-504]

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 11, is amended
by adding the following language as a new part:

63-11-401. Short title.

This part is known and may be cited as the "Psychology
Interjurisdictional Compact Act."

63-11-402. Compact approved and ratified.

The general assembly hereby approves and ratifies, and the
governor shall enter into, a compact on behalf of the state of Tennessee
with any of the United States or other jurisdictions legally joining
therein in the form substantially as follows:

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

ARTICLE I

PURPOSE

Whereas, states license psychologists, in order to protect the public
through verification of education, training, and experience and ensure
accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day
practice of telepsychology (i.e. the provision of psychological services
using telecommunication technologies) by psychologists across state
boundaries in the performance of their psychological practice as
assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary, in-
person, face-to-face practice of psychology by psychologists across state
boundaries for thirty (30) days within a calendar year in the performance
of their psychological practice as assigned by an appropriate authority;
and

Whereas, this Compact is intended to authorize State Psychology
Regulatory Authorities to afford legal recognition, in a manner

consistent with the terms of the Compact, to psychologists licensed in another state; and

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent, in-person, face-to-face practice, it does allow for authorization of temporary psychological practice. Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary, in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions, and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each Compact State; and

6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II

DEFINITIONS

A. "Adverse Action" means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.

G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.

H. "Coordinated Licensure Information System," also referred to as "Coordinated Database," means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

J. "Day" means: any part of a day in which psychological work is performed.

K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary, in-person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in

connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. "Non-Compact State" means: any State which is not at the time a Compact State.

T. "Psychologist" means: an individual licensed for the independent practice of psychology.

U. "Psychology Interjurisdictional Compact Commission," also referred to as "Commission," means: the national administration of which all Compact States are members.

V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal, or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. "State" means: a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

Z. "State Psychology Regulatory Authority" means: the Board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary, in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary, In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for thirty (30) days within a calendar year and based on notification to the Distant State.

ARTICLE III

HOME STATE LICENSURE

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other

biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degree and a minimum of one (1) academic year of full-time graduate study for master's degree; and

j. The program includes an acceptable residency as defined by the Rules of the Commission;

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. Have no history of adverse action that violate the Rules of the Commission;

5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the Home and Receiving States, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety

of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended, or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State; or
2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII

ADVERSE ACTIONS

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary, in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary, in-person, face-to-face practice in accordance with the Rules of the Commission.

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization to Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;

5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;

6. Non-confidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. The Commission shall consist of one (1) voting representative appointed by each Compact State, who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary, or similar executive;

b. Current member of the State Psychology Regulatory Authority of a Compact State; or c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

a. Non-compliance of a Compact State with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

- a. For the establishment and meetings of other committees;

and

- b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as

practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;

9. The Commission shall maintain its financial records in accordance with the Bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all Compact States;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided, that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

E. The Executive Board.

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six (6) members:

a. Five (5) voting members who are elected from the current membership of the Commission by the Commission; and

b. One (1) ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in Bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

- e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials, and services.
3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.
4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.
5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, Executive Director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful, or wanton misconduct of that person.
2. The Commission shall defend any member, officer, Executive Director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against

whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful, or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from the intentional or willful, or wanton misconduct of that person.

ARTICLE XI

RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided, that the usual

rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The Executive, Legislative, and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

- a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of

remedying the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution.

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the state of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

PUBLIC CHAPTER NO. 352 (cont'd)

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
RULES, WITHDRAWAL, AND AMENDMENTS

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

63-11-403. Rulemaking.

PUBLIC CHAPTER NO. 352 (cont'd)

The department of health, in consultation with the board of examiners in psychology, may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement this part.

63-11-404. Effective date of compact; notice to revisor of statutes.

This part takes effect on the date the compact is enacted into law in the seventh compact state. The board of examiners in psychology shall notify the revisor of statutes in writing when the condition specified in this section has occurred.

[4-29-244; 63-11-401]

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following as a new subdivision:

() Psychology Interjurisdictional Compact Act, created by § 63-11-401;

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 5/11/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 353**SENATE BILL NO. 252****By Crowe, Stevens**

Substituted for: House Bill No. 109

By Hulsey, Sherrell, Calfee, Alexander

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28, relative to parole.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-28-116]

SECTION 1. Tennessee Code Annotated, Section 40-28-116, is amended by adding the following as a new subsection (c):

(c)(1) The board shall consider granting parole to a prisoner who has reached the release eligibility date for the prisoner's combined state sentences and has an active detainer commitment to serve a term of imprisonment in a foreign jurisdiction if:

(A) The term of imprisonment in the foreign jurisdiction is greater than the period of imprisonment left to serve on the prisoner's combined state sentences;

(B) The prisoner would otherwise be eligible for parole consideration; and

(C) The prisoner is a good candidate for parole release upon application of any release decision-making guidelines in use by the board.

(2) When a prisoner has a parole hearing, the department of correction must provide information to the board regarding filed active detainer commitments in which the prisoner is to serve a term of imprisonment.

(3) If parole release is granted to a detainer in a foreign jurisdiction, then the entity having custodial authority over the prisoner must file a notification request with the foreign jurisdiction for the remainder of any Tennessee sentence, prior to parole release.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 354**SENATE BILL NO. 331****By Lundberg, Rose**

Substituted for: House Bill No. 382

By Crawford, Lamberth, Griffey, Hardaway, Smith, Whitson, Powell,
Littleton, Todd, Alexander, Sparks, Thompson, Doggett, Moody

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6,
relative to unlawful photography.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-605]

SECTION 1. Tennessee Code Annotated, Section 39-13-605, is amended
by deleting subsections (a) and (b) and substituting:

(a) It is an offense for a person to knowingly photograph, or cause
to be photographed, an individual without the prior effective consent
of the individual, or in the case of a minor, without the prior effective
consent of the minor's parent or guardian, if the photograph:

(1)(A) Would offend or embarrass an ordinary person if the
person appeared in the photograph; or

(B) Is focused on the intimate area of the individual and
would be considered offensive or embarrassing by the individual; and

(2) Was taken for the purpose of sexual arousal or gratification
of the defendant.

(b) As used in this section:

(1) "Photograph" means any photograph or photographic
reproduction, whether taken using digital media or conventional film,
still or moving, or any videotape, live television transmission, or social
media broadcast of any individual; and

(2) "Intimate area" means the naked or clothed genitals, pubic
area, anus, buttocks, or female breast of a person.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 355**SENATE BILL NO. 448****By Bell, Akbari, Powers, Stevens**

Substituted for: House Bill No. 1086

By Curcio, Hardaway, Freeman, Smith, Terry

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 30, relative to evidence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-30-123]

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 30, Part 1, is amended by adding the following language as an appropriately designated section:

Whenever a law enforcement agency discovers new evidence deemed potentially exculpatory by the chief law enforcement officer of the agency, the agency shall report the evidence to the district attorney currently serving in the jurisdiction in which the case was prosecuted, the trial court in which the conviction was obtained, the individual convicted in the case in which the evidence was secured, and that individual's attorney, if such individual is represented by counsel, within thirty (30) days of the discovery of the evidence.

[T. 40, ch. 30, part 4; 40-30-401; 40-30-402; 40-30-403; 40-30-404; 40-30-405; 40-30-406; 40-30-407; 40-30-408; 40-30-409; 40-30-410; 40-30-411]

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 30, is amended by adding the following language as a new part:

40-30-401. Short title.

This part is known and may be cited as the "Post-Conviction Fingerprint Analysis Act of 2021."

40-30-402. Part definitions.

As used in this part, unless the context otherwise requires, "fingerprint analysis" means the processes through which fingerprints are analyzed and compared for identification purposes, including, but not limited to, latent print comparisons and searches in fingerprint databases.

40-30-403. Petition requesting analysis.

(a) Notwithstanding part 1 of this chapter, or any other law governing post-conviction relief to the contrary, any appropriate party may, at any time, file a petition requesting the performance of fingerprint analysis of any evidence that is in the possession or control of the prosecution, law enforcement, laboratory, or court, and that is

related to the investigation or prosecution that resulted in a judgment of conviction and that may contain fingerprint evidence.

(b) As used in this section, "any appropriate party" means:

- (1) A court on its own motion;
- (2) A district attorney general; or
- (3) A person convicted of and sentenced for the commission or attempted commission of:
 - (A) First degree murder;
 - (B) A Class A felony;
 - (C) A Class B felony;
 - (D) Any lesser included offense of an offense in subdivisions (b)(3)(A)-(C); or
 - (E) Any other offense, at the direction of the court.

40-30-404. Court order if probable that exculpatory results would not have resulted in prosecution or conviction.

After notice to the prosecution and an opportunity to respond, the court shall order fingerprint analysis if the court finds that:

- (1) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through fingerprint analysis;
- (2) The evidence is still in existence and in such a condition that fingerprint analysis may be conducted;
- (3) The evidence was never previously subjected to fingerprint analysis, was not subjected to the analysis that is being requested which could resolve an issue not resolved by previous analysis, or was previously subjected to analysis and the person making the motion under this part requests analysis that uses a new method or technology that is substantially more probative than the prior analysis; and
- (4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

40-30-405. Court order if probable that results would have resulted in a more favorable verdict or sentence.

After notice to the prosecution and an opportunity to respond, the court may order fingerprint analysis if the court finds that:

- (1) A reasonable probability exists that analysis of the evidence will produce fingerprint results that would have rendered the petitioner's verdict or sentence more favorable if the results had been available at the proceeding leading to the judgment of conviction;
- (2) The evidence is still in existence and in such a condition that fingerprint analysis may be conducted;
- (3) The evidence was not previously subjected to fingerprint analysis, was not subjected to the analysis that is now requested which could resolve an issue not resolved by previous analysis, or was previously subjected to analysis and the person making the motion

under this part requests analysis that uses a new method or technology that is substantially more probative than the prior analysis; and

(4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

40-30-406. Payment for analysis.

If an order is issued pursuant to § 40-30-404, then the court shall order the analysis and payment pursuant to § 40-30-413, if necessary. If an order is issued pursuant to § 40-30-405, the court may require the petitioner to pay for the analysis, unless the petitioner is determined indigent by the court.

40-30-407. Appointment of counsel for indigents.

The court may, at any time during proceedings instituted under this part, appoint counsel for an indigent petitioner.

40-30-408. Court order for production of laboratory reports, underlying data, and notes.

If evidence has previously been subjected to fingerprint analysis by either the prosecution or defense, the court may order the prosecution or defense to provide all parties and the court with access to the laboratory reports prepared in connection with the fingerprint analysis, as well as the underlying data and laboratory notes. If any fingerprint or other evidence analysis was previously conducted by either the prosecution or defense without knowledge of the other party, the analysis shall be revealed in the motion for analysis or response, if any. If the court orders fingerprint analysis in connection with a proceeding brought under this part, the court shall order the production of any laboratory reports prepared in connection with the fingerprint analysis and may, in the court's discretion, order production of the underlying data and laboratory notes.

40-30-409. Preservation of evidence during pendency of proceeding - Sanctions.

When the petition is not summarily dismissed, the court shall order that all evidence in the possession of the prosecution, law enforcement, laboratory, or the court that could be subjected to fingerprint analysis must be preserved during the pendency of the proceeding. The intentional destruction of evidence after such an order may result in appropriate sanctions, including criminal contempt for a knowing violation of the court's order.

40-30-410. Laboratory selection.

If the court orders analysis, the court must select the laboratory used by the original investigating agency if the laboratory is capable of performing the required analysis. If the laboratory used by the original investigating agency is not capable of performing the required analysis, the court shall select a laboratory that the court deems appropriate.

40-30-411. Orders in discretion of court.

The court may, in its discretion, make such other orders as may be appropriate.

40-30-412. Analysis results - Dismissal of petition - Order for hearing.

If the results of the post-conviction fingerprint analysis are not favorable to the petitioner, the court shall dismiss the petition, and make further orders as may be appropriate. If the results of the post-conviction fingerprint analysis are favorable, the court shall order a hearing, notwithstanding any law or rule of court that would bar the hearing as untimely, and thereafter make orders as are required or permitted by the Rules of Criminal Procedure or part 1 of this chapter.

40-30-413. Payment for analysis.

If an order is issued requiring fingerprint analysis be paid on behalf of a petitioner pursuant to this part, then the payment shall be made from funding provided for indigent defendants' counsel as set forth within the annual appropriations act. The payment shall be made only after receipt by the administrative director of the courts of a certified copy of the order and only upon receipt of a bill from the laboratory that conducted the analysis. The bill shall set forth the name of the petitioner, the date the analysis was performed, the amount of the bill, and the name and address of the laboratory to which payment is to be made.

SECTION 3. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 356**SENATE BILL NO. 486****By Briggs, Massey**

Substituted for: House Bill No. 845

By Holsclaw, Mannis, Helton

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, relative to consumption of alcoholic beverages on the premises.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-4-102]

SECTION 1. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated facility that:

(i) Is located on approximately ten (10) acres contiguous to Kentucky Lake;

(ii) Operates a restaurant on a floating dock with approximately two hundred fifty (250) seats;

(iii) Operates approximately sixty (60) boat slips for customers;

(iv) Operates a gift and souvenir shop;

(v) Is a venue for live music, weddings, and other private and charitable events;

(vi) Operates twenty (20) covered boat slip rentals, twenty-seven (27) campsites, three (3) cabin rentals, and a gas dock; and

(vii) Is located in a county with a population of not less than thirteen thousand three hundred (13,300) and not more than thirteen thousand four hundred (13,400), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 2. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated facility that:

(i) Was established in 2017;

(ii) Is situated on approximately eleven (11) acres on the Tennessee River at mile marker seventy-two (72);

(iii) Contains a convenience store and a restaurant with a kitchen and seating for approximately one hundred thirty-three (133) persons inside and fifty-two (52) persons outside;

(iv) Operates an event venue of approximately three thousand square feet (3,000 sq. ft.) for live music and other private events;

(v) Operates sixteen (16) boat slips; six (6) recreational vehicle sites; eighty-six (86) campsites; and eleven (11) rental units; and

(vi) Is located in a county with a population of not less than thirteen thousand three hundred (13,300) and not more than thirteen thousand four hundred (13,400), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 3. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

() A commercially operated facility that:

(i) Is situated on approximately seven (7) acres off of White Oak Road in a county with a population of not less than eight thousand four hundred (8,400) and not more than eight thousand five hundred (8,500), according to the 2010 or any subsequent federal census;

(ii) Is located approximately one (1) mile from Cane Creek Marina and approximately three (3) miles from the Danville Ferry;

(iii) Operates a restaurant with a commercial kitchen and approximately seventy (70) indoor seats for guests;

(iv) Operates an outdoor stage and barn as an event venue for music, weddings, and other private events; and

(v) Operates a campground with twenty-five (25) recreational vehicle hook-ups and up to five (5) rental units;

[57-4-102]

SECTION 4. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

() A commercially operated marina that:

(i) Opened in 1959;

(ii) Has fifty-two (52) covered boat slips and thirty-two (32) uncovered boat slips;

(iii) Operates a restaurant and bar with seating for approximately fifty (50) guests;

(iv) Operates a recreational vehicle campground with thirteen (13) campsites;

(v) Operates a convenience store;

(vi) Serves as a venue for live music and entertainment; and

(vii) Is located along the Hiawassee River in a county with a population of not less than ninety-eight thousand nine hundred (98,900) and not more than ninety-nine thousand (99,000), according to the 2010 and any subsequent federal census;

[57-4-102]

SECTION 5. Tennessee Code Annotated, Section 57-4-102(20), is amended by adding the following new subdivision:

(i) "Historic performing arts center" also means a facility that:

(a) Is operated by a not-for-profit corporation that is exempt from taxation under § 501(c) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)), as amended, where no member, officer, agent, or employee of the center is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond the amount of the salary as may be fixed by its governing body for the reasonable performance of the person's assigned duties. All profits from the sale of alcoholic beverages by the not-for-profit corporation must be used for the operation, renovation, refurbishing, and maintenance of the center, and in furtherance of the purposes of the organization. Alcoholic beverages may be sold before, during, and after performances and events, and may be consumed inside any auditorium or performance hall within the center;

(b) Executes contracts with professional actors for performances;

(c) Hosts a film series of classic films and new releases;

(d) Operates a school of the arts educational program;

(e) Rents out the facilities to third parties as a venue for performing arts, civic and cultural groups, weddings, and similar events; and

(f) Is located in a city with a population of not less than one hundred thirty-two thousand nine hundred twenty (132,920) and not more than one hundred thirty-two thousand nine hundred twenty-nine (132,929), according to the 2010 or any subsequent federal census;

(ii) The premises of a center licensed under this subdivision (20)() means any or all of the property that constitutes the center. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing, including for purposes of relocating the center to a new facility. The designated premises may only include property owned or leased by the center and that is contiguous to the property of the center that is defined in this subdivision (20)(). The entire designated premises is covered under one (1) license issued under this subdivision (20)(); and

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of a center licensed under this subdivision (20)() means, for beer permitting purposes, any or all of the property that constitutes the center. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a

new drawing, including for purposes of relocating the center to a new facility. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

[57-4-102]

SECTION 6. Tennessee Code Annotated, Section 57-4-102(27), is amended by deleting subdivision (LLLLL) in its entirety.

[57-4-102]

SECTION 7. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

() "Community theater" also means a theater that:

(i) Operates as a community performing arts and civics center in a city with a population of not less than eighteen thousand six hundred fifty (18,650) and not more than eighteen thousand six hundred fifty-nine (18,659), according to the 2010 or any subsequent federal census;

(ii) Was originally built as a school in 1886;

(iii) Contains an auditorium with a full stage, a proscenium arch, and seating for not less than four hundred (400) persons; and

(iv) Contains conference and meeting rooms and a local history museum;

[57-4-102]

SECTION 8. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

() A commercially operated facility that:

(i) Consists of an arts, event, and entertainment venue located on seven and one-half (7.5) acres with eight hundred eighty feet (880') of the property contiguous to the Holston River;

(ii) Hosts drive-in movies, live sports broadcasts, and concerts;

(iii) Offers short-term rentals for camping, recreational vehicles, and tiny homes;

(iv) Operates a daylight-usable, high definition LED screen;

(v) Maintains an event pavilion and wooded riverside terrace; and

(vi) Is located in a city with a population of not less than one hundred seventy-eight thousand eight hundred seventy (178,870) and not more than one hundred seventy-eight thousand eight hundred seventy-nine (178,879), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 9. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Is located on a parcel of land containing approximately five (5) acres;

(b) Is within one thousand feet (1,000') of a state highway that crosses eight (8) counties in northern and northeastern Tennessee;

(c) Is within seven thousand five hundred feet (7,500') of a tributary of the Big South Fork of the Cumberland River;

(d) Contains a hunting lodge that opened in 2007;

(e) Contains a farmhouse originally built in the 1930s;

(f) Hosts pheasant and quail hunters each year;

(g) Is located within seven (7) miles of the Colditz Cove State Natural Area;

(h) Is located in a county having a population of not less than seventeen thousand nine hundred (17,900) and not more than eighteen thousand (18,000), according to the 2010 federal census or any subsequent federal census; and

(i) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin;

(ii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may include property owned or leased by the facility and property that is contiguous to the property of the facility that is defined in this subdivision (27)(). The entire designated premises is covered under one (1) license issued under this subdivision (27)(); and

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility as described in subdivision (27)() (ii). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

[57-4-102]

SECTION 10. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Has at least five hundred (500) acres of land surrounded by approximately one and one-half (1.5) miles of shoreline along the Tennessee River;

(b) Is a venue for dove and quail hunting, weddings, corporate retreats, and other events;

(c) Is a working cattle farm, wildlife habitat, and nature preserve, which has access to the River Bluff Trail and Eagle's Nest Trail;

(d) Serves or sells at least two (2) meals to patrons a day;

(e) Has at least one (1) lodging facility to accommodate overnight guests; and

(f) Is located in a county having a population of not less than forty-eight thousand five hundred (48,500) and not more than forty-eight thousand six hundred (48,600), according to the 2010 federal census or any subsequent federal census;

(ii) The premises of any facility licensed under this subdivision (27)() means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property, and further including any areas owned in fee or leased. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing; and

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility described under this subdivision (27)() means, for the purpose of obtaining a beer permit, any or all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing;

[57-4-102]

SECTION 11. Tennessee Code Annotated, Section 57-4-102(34), is amended by adding the following as a new subdivision:

() "Sports authority facility" also means a facility that:

(i) Is designed and used for professional sporting events and other entertainment activities;

(ii) Has a seating capacity in excess of two thousand five hundred (2,500); and

(iii) Is located within one half (0.5) mile of Interstate 75 in a municipality having a population not less than twenty thousand nine hundred (20,900) and not more than twenty-one thousand (21,000), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 12. Tennessee Code Annotated, Section 57-4-102(24), is amended by adding the following as a new subdivision:

(G) Means an institution:

- (i) Dedicated to the life, achievements, and music of Glen Campbell;
- (ii) That contains a production space and live event venue with a capacity of approximately one hundred eighty (180) patrons; a seating maximum of approximately one hundred (100) persons; a built-in sing-a-long booth; and a state-of-the-art lighting and sound system;
- (iii) That contains a rooftop entertainment venue;
- (iv) That contains customizable LED boards that are visible from the exterior of the building;
- (v) That hosts private events and tours; and
- (vi) That is located in a county with a metropolitan form of government and a population of more than five hundred thousand (500,000), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 13. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

(i) A commercially operated facility possessing each of the following characteristics:

(a) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2010 federal census or any subsequent federal census;

(b) Is a private, for-profit social and golf club, organized and existing under the laws of this state, which has at least six (6) dues-paying members as of January 31, 2021, who pay dues annually, and which offers its members and bona fide guests golf instruction and golf improvement services;

(c) Is designed around a family theme and professional business environment and contains an area for video games, a pool table, lounge area, pro shop, bar area, and a conference room for business meetings, and periodically offers its members and guests prepared food services provided by third parties at functions or events on the premises;

(d) Contains not less than two (2) golf bays, with tee boxes and golf hitting screens depicting virtual or simulated holes or golf courses for the use of its members and guests;

(e) Totals approximately three thousand one hundred square feet (3,100 sq. ft.), and contains one (1) entrance, with a maximum occupancy of fifty (50) individuals, and contains a back patio with six hundred square feet (600 sq. ft) enclosed by reasonable boundaries, such as planters or dividers, with non-exclusive use; and

(f) Does not discriminate against members or potential members or bona fide guests of such members on the basis of gender, race, creed, color, sex, age, religion, or national origin;

(ii) The premises of any facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing; and

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title. The requirements of § 57-5-105(b)(1) do not apply to any facility licensed under this subdivision (27)();

[57-4-102]

SECTION 14. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated facility that:

(i) Operates an 18-hole golf course situated on over one hundred (100) acres;

(ii) Was established in 1929;

(iii) Operates a full-service restaurant and bar;

(iv) Operates an Olympic pool and members' activity room;

(v) Hosts corporate and group golf outings and fundraisers;

(vi) Is a venue for weddings, receptions, and similar events; and

(vii) Is located in a city with a population of not less than seven hundred ten (710) and not more than seven hundred nineteen (719), according to the 2010 or any subsequent federal census;

[57-4-102]

SECTION 15. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

() (i) A commercially operated facility that:

(a) Contains an urban, mixed-use community combining a luxury hotel, office space, high-end condominiums, and retail space;

(b) Is a facility that is not less than one million two hundred thousand square feet (1,200,000 sq. ft.);

(c) Is a facility that includes a twenty-one-story office tower with approximately five hundred twenty-five thousand square feet (525,000 sq. ft.) of Class AA space, and a second thirty-four-story tower, including

one hundred ninety-six (196) high-end condominiums anchored by a luxury hotel with two hundred thirty-four (234) rooms;

(d) Includes two (2) towers connected by one (1) additional building that is approximately one hundred fifteen thousand square feet (115,000 sq. ft.) of retail and office space, and anchored by a one-and-one-half-acre plaza at the heart of the community; and

(e) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2010 federal census or any subsequent federal census;

(ii) Notwithstanding any law to the contrary, a facility licensed under this subdivision (27)() may:

(a) Sell and serve alcoholic beverages and beer to residents, owners, guests, or patrons of the facility on the premises designated by the facility, including within the hotel, office towers and space, high-end condominiums, retail space, common areas, lobby areas, conference rooms, market area, and pool areas of the facility, including the hotel and condominium pools and the common areas between the two (2) towers;

(b) Operate a wine club at the facility to sell sealed bottles of wine to residents or owners of the facility or guests of the hotel, and operate events such as a wine of the month club to sell or give away sealed bottles of wine, fulfill standing orders for residents, owners, or guests, or provide room service to residents, owners, or guests at the facility;

(c) Conduct private events or office functions in any area within the facility for the purpose of selling, serving, or giving away alcoholic beverages or beer to residents, guests, tenants, and owners attending such private events;

(d) Conduct, or have conducted by means of granting a franchise or otherwise, catered events within any area of the facility, including the office towers and within the hotel property or any property within the facility;

(e) Operate, or have operated by means of granting a franchise or otherwise, a hotel, restaurant, or limited service restaurant at the premises of the facility to sell prepared food and alcoholic beverages and beer to patrons; and

(f) Engage in any activity related to the sale, dispensing, or giving away of alcoholic beverages and beer authorized under the authority granted to a hotel licensed under § 57-4-102, including providing room service and bottle services to guests of the hotel or owners of the luxury condominiums, with shared amenities between both owners and guests;

(iii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing, and which may designate areas for unrelated licensed entities. The entire designated premises may be covered under one (1) license issued under this subdivision (27)(),

under multiple licenses pursuant to the franchise authority granted by this subdivision (27)(), or under multiple licenses issued under this chapter to other unrelated licensed entities. If multiple licenses are granted pursuant to this subdivision (27)() or otherwise under chapter 4 of this title, then the designations of the premises may be unenclosed and overlapping; provided, that the premises are located within the facility as herein described;

(iv) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing, and which may designate areas for unrelated permitted entities. The entire designated premises may be covered under one (1) beer permit issued under chapter 5 of this title or multiple beer permits to other permitted entities. If multiple beer permits are granted pursuant to this subdivision (27)(), then the designations of the premises may be unenclosed and overlapping; provided, that the premises are located within the facility as herein described;

(v) The requirements of § 57-5-105(b)(1) do not apply to a facility licensed under this subdivision (27)();

(vi) A facility licensed under this subdivision (27)() may seek an additional license as a restaurant, limited service restaurant, hotel, or caterer under this chapter;

(vii) A facility licensed under this subdivision (27)() may hold any of the licenses authorized under this subdivision (27)() or may grant a franchise to one (1) or more entities for any or all such licenses;

(viii) A facility licensed under this subdivision (27)() may deliver sealed bottles or containers of wine or beer to any area within the licensed premises of the facility; and

(ix) Notwithstanding any law to the contrary, nothing in this subdivision (27)() prohibits a qualified entity, unrelated to the facility, from applying for and receiving a license issued under chapter 4 of this title and operating independently from the facility, but within the premises of the facility. The commission shall interpret this subdivision (27)()(ix) to allow for flexibility in licensure within the premises of the facility;

[57-4-102]

SECTION 16. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Is located on at least forty (40) acres;

(b) Serves as a venue for weddings, business retreats, meetings, conferences, and events;

(c) Is located on property that is within one-quarter (1/4) mile of the point where Cox Road goes under Interstate 840 and that borders the Wilson Branch of Nelson Creek; and

(d) Is located in a county having a population of not less than one hundred eighty-three thousand one hundred (183,100) nor more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 federal census or any subsequent federal census;

(ii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility, including restaurants, cabins, lodges, clubhouses, swimming pools, tennis courts, golf courses, paths, and road crossings. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

(iii) A facility licensed under this subdivision (27)() may be issued one (1) or more liquor-by-the-drink licenses;

(iv) A facility licensed under this subdivision (27)() may obtain a license as a caterer under subdivision (6);

(v) A facility licensed under this subdivision (27)() may, at its own discretion, hold a license under this subdivision (27)() and subdivision (6), and may grant a franchise right to one (1) or more entities that can hold licenses pursuant to this subdivision (27)(); and

(vi) A facility licensed under this subdivision (27)() may deliver alcoholic beverages to any area within the licensed premises of the facility;

[57-4-102]

SECTION 17. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Is located on a parcel of land containing approximately eighteen (18) acres;

(b) Is located adjacent to a federal highway;

(c) Contains an English Tudor-style house built in 1973;

(d) Serves as a venue for weddings, meetings, and events;

(e) Contains a winery that was first licensed in 1980;

(f) Is located within two (2) miles of a municipal airport;

(g) Is located within five (5) miles of the Colditz Cove State Natural Area;

(h) Is located in a county having a population of not less than seventeen thousand nine hundred (17,900) and not more than eighteen thousand one hundred (18,100), according to the 2010 federal census or any subsequent federal census; and

(i) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin;

(ii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may include property owned or leased by the facility and property that is contiguous to the property of the facility that is defined in this subdivision (27)(). The entire designated premises is covered under one (1) license issued under this subdivision (27)();

(iii) Notwithstanding a provision of chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility as described in subdivision (27)() (ii). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title; and

(iv) The winery located at a facility licensed under this subdivision (27)() may exercise the rights and privileges established in § 57-3-207 anywhere on the premises of the facility notwithstanding the same premises being licensed under this subdivision (27)(), and guests may carry drinks sold under either license anywhere on the premises of the facility. The rights and privileges of the winery under § 57-3-207 are not diminished under this subdivision (27)();

[57-4-102]

SECTION 18. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Is located on approximately two and one-half (2.5) acres contiguous to Gatlinburg Parkway that connects by way of a Chondola to approximately seventy (70) acres;

(b) Was established in September of 2017;

(c) Operates two (2) full-service restaurants with seating for approximately three hundred (300) patrons, and two hundred fifty (250) patrons, respectively;

(d) Operates a zipline, a single rail coaster covering approximately two (2) miles with mountaintop views of the Great Smoky Mountains National Park;

(e) Operates a suspended tree canopy walk with seventeen (17) bridges that is approximately one (1) mile long; and

(f) Is located in a city with a population of not less than three thousand nine hundred forty (3,940) and not more than three

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thousand nine hundred forty-nine (3,949), according to the 2010 or any subsequent federal census;

(ii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may include property owned or leased by the facility and property that is contiguous to the property of the facility that is defined in this subdivision (27)(). The entire designated premises is covered under one (1) license issued under this subdivision (27)();

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (27)() means, for beer permitting purposes, any or all of the property that constitutes the facility as described in subdivision (27)() (ii). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) A facility licensed under this subdivision (27)() may obtain a license as a caterer under subdivision (6);

(v) A facility licensed under this subdivision (27)() may grant a franchise right to one (1) or more entities that can hold a caterer's license pursuant to this subdivision (27)(); and

(vi) A facility licensed under this subdivision (27)() may deliver alcoholic beverages to any area within the licensed premises of the facility;

[57-4-102]

SECTION 19. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated facility that:

(i)(a) Operates a licensed marina and recreational facility that is located on approximately ten and one-half (10.5) acres in Ish Creek, commonly known as Prater Flats, contiguous to the Tennessee River in Fort Loudon Lake southeast of mile marker six hundred twelve, and bearing approximately eight hundred ninety-nine feet (899') along the shoreline;

(b) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin; and

(c) Is located in a county with a population of not less than one hundred twenty-three thousand one (123,001) and not more than one hundred twenty-three thousand one hundred (123,100), according to the 2010 or any subsequent federal census;

(ii) A facility licensed under this subdivision (27)() may also operate a restaurant on the premises if the restaurant is separately licensed under this chapter; and

(iii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

[57-4-102]

SECTION 20. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

() A commercially operated marina having the following characteristics:

(i) Has at least three hundred fifty (350) boat slips, at least fifteen (15) cabins for rent, recreational vehicle camping hookups, and a full-service café with indoor and outdoor seating; and

(ii) Is located on Tims Ford Lake approximately one-half (1/2) mile south of Tims Ford State Park in a county having a population of not less than forty-one thousand (41,000) and not more than forty-one thousand one hundred (41,100), according to the 2010 federal census or any subsequent federal census;

[Effective date 5/11/2021]

SECTION 21. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 357**SENATE BILL NO. 929****By Massey, Campbell**

Substituted for: House Bill No. 967

By Garringer, Hazlewood, Helton

AN ACT to amend Tennessee Code Annotated, Title 56; Title 63 and Title 68, relative to telehealth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-1-155]

SECTION 1. Tennessee Code Annotated, Section 63-1-155(9)(1), is amended by deleting the language “subdivision (g)(2)” and substituting the language “subdivisions (g)(2) and (3)”.

[63-1-155]

SECTION 2. Tennessee Code Annotated, Section 63-1-155(9), is amended by adding the following as a new subdivision:

(3) An individual licensed in another state who would, if licensed in this state, qualify as a healthcare provider under subsection (a) may practice telehealth under this section while providing healthcare services on a volunteer basis through a free clinic pursuant to title 63, chapter 6, part 7.

[Effective date 5/11/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 358**SENATE BILL NO. 965**

By Gilmore, Akbari, Bowling, Robinson, Yarbro

Substituted for: House Bill No. 1319

By Hardaway, Beck, Freeman, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32 and Title 40, Chapter 35, Part 3, relative to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-35-302]

SECTION 1. Tennessee Code Annotated, Section 40-35-302, is amended by deleting subsection (j).

[40-35-324]

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 3, is amended by adding the following as a new section:

(a) If practicable, a judge shall, at the time of sentencing, notify a person convicted of an offense that is eligible for expunction of:

(1) The person's eligibility to have all public records of the conviction destroyed in the manner set forth in § 40-32-101; and

(2) The time period after which the person can petition for expunction of the offense.

(b) The administrative office of the courts shall provide judges handling criminal matters with a reference document listing:

(1) Each criminal offense eligible for expunction pursuant to § 40-32-101; and

(2) The time period after which each offense is eligible for expunction.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 359**SENATE BILL NO. 972****By Watson**

Substituted for: House Bill No. 1222

By Hakeem, Helton, Hardaway, Eldridge

AN ACT to amend Tennessee Code Annotated, Section 41-4-144, relative to jailer qualifications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[41-4-144]

SECTION 1. Tennessee Code Annotated, Section 41-4-144, is amended by adding the following as a new subsection:

(1) A municipality, county, or political subdivision may contract with a licensed healthcare provider qualified in the psychiatric or psychological field to perform services in fulfillment of subdivision (a)(9). The municipality, county, or political subdivision may make a good faith reliance on the healthcare providers' certification under subdivision (a)(9). The healthcare provider is not an agent of the entity for purposes giving rise to a cause of action against the entity for a civil or criminal action.

(2) The good faith compliance of a municipality, county, or political subdivision with the requirements set forth in subsection (a) does not give rise to a cause of action against the entity for a civil or criminal action.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 360**SENATE BILL NO. 989****By Gardenhire**

Substituted for: House Bill No. 1365

By Carter, Smith

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 27, relative to local government entities that self-fund a plan of insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-27-507]

SECTION 1. Tennessee Code Annotated, Section 8-27-507, is amended by deleting the section.

[8-27-608]

SECTION 2. Tennessee Code Annotated, Section 8-27-608, is amended by deleting the section.

[T. 8, ch. 27, part 9; 8-27-901; 8-27-902; 8-27-903; 8-27-904; 8-27-905; 8-27-906; 8-27-907; 8-27-908; 8-27-909]

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 27, is amended by adding the following as a new part:

8-27-901. Definitions.

As used in this part:

(1) "Administrator" means:

(A) An individual, either employed by, or contracted with, the sponsor or the plan to provide administrative services on behalf of the plan; or

(B) An entity with whom the sponsor contracts to provide administrative services on behalf of the plan;

(2) "Days" means calendar days, unless otherwise noted;

(3) "Insured" means any individual, other than the primary insured, who receives benefits under the plan;

(4) "Plain language" means writing designed to ensure the reader understands the meaning of the passage as quickly, easily, and completely as possible, avoiding verbose, convoluted language, and jargon;

(5) "Plan" means a self-funded plan of insurance established and funded by a sponsor pursuant to this part for the purpose of providing group life, hospitalization, disability, on-the-job injury or work-related injury program, or medical insurance, where funding for the plan is primarily derived from local tax revenues, which are used

to fund, in excess of fifty-one percent (51%), the total costs of the plan, and where the benefits are paid directly through the sponsor's general assets or through a trust fund established for that purpose. A "plan" includes those to which the primary insured pays to the plan a nominal fee for the primary insured and any insureds whose relationship to the primary insured allows them to receive benefits under the plan. Whether or not the plan contracts with an administrator is not a factor in determining whether the plan meets this definition;

(6) "Plan document" means a document by which a plan is established and operated;

(7) "Plan participant" means either a primary insured or insured;

(8) "Primary insured" means the individual employed by, or contracted with, the sponsor and to whom, based on the individual's status as an employee or contractor, the plan provides benefits;

(9) "Request for subrogation or reimbursement interest" or "RSRI" means a form drafted by the plan in plain language and included in the SPD that the plan participant, their attorney, or other party in interest, may use to request that the plan provides notice of its subrogation or reimbursement interest;

(10) "Reimbursement interest" means the plan's right of recovery of benefit amounts paid by the plan on behalf of the plan participant from the participant's recovery from a third-party tortfeasor arising from the injury or illness of the plan participant caused by such tortfeasor. "Reimbursement interest" does not include pre-or post-judgment interest;

(11) "Settlement" means an agreement reached between a plan participant and the plan, or between the plan participant and a third-party tortfeasor or the third-party insurer, or both;

(12) "Sponsor" means a county, municipality, municipal corporation, or special school district in this state that establishes and funds a plan;

(13) "Subrogation interest" means the right to recovery that the plan has in any litigation or settlement arising from the injury or illness of a plan participant caused by a third-party tortfeasor. "Subrogation interest" does not include pre-or post-judgment interest;

(14) "Summary plan description" or "SPD" means a summary of the plan document, which may or may not be part of the plan document;

(15) "Summary of material modification" or "SMM" means a summary of any material amendment to the plan adopted by the sponsor, including, but not limited to, changes in deductibles, co-pays, and eligibility requirements; covered services or benefits; formulas; methodologies; schedules; networks; prior authorization requirements; and drug tiers;

(16) "Third-party administrator" or "TPA" means an organization with which the plan contracts to process claims or manage certain other aspects of the plan, including, but not limited

to, customer service, plan design, benefits notification, subrogation services, general plan administration, and appeals review;

(17) "Third-party for medical services" or "third party" means a person or entity that contracts with either the plan or the third-party administrator to provide payment for claims of healthcare items or services for plan participants. The term includes, but is not limited to, a health and liability insurer, an administrator of an ERISA plan, an employee welfare benefit plan, a workers' compensation plan, CHAMPUS, Medicare, and other parties that are by statute, contract, or agreement legally responsible for payment of a claim for a healthcare item or service;

(18) "Third-party insurer" means an insurer that provides insurance coverage to a third-party tortfeasor, regardless of whether the coverage is personal or commercial, including, but not limited to, automobile, income replacement, premises liability, home owners, umbrella, group life, health, workers compensation, hospitalization, and disability; and

(19) "Third-party tortfeasor" means an individual or entity who commits a tort against a plan participant that causes a plan participant to require medical treatment for which the plan makes payments to a provider of medical services for the benefit, or on behalf, of the plan participant.

8-27-902. Plan document contents; SPD contents.

(a) The plan document must include:

(1) The name of the plan administrator and the designation of any named fiduciaries other than the plan administrator under the claims procedure for deciding benefit appeals;

(2) A description of the benefits provided;

(3) The standard of review for benefit decisions;

(4) Who is eligible to participate, which includes designating classes of employees, establishing an employment waiting period prior to eligibility for plan participation, designating the hours per week an employee must work in order to be eligible for plan participation, and establishing tiers of coverage;

(5) How much the primary insured must pay towards the cost of each tier of coverage;

(6) The plan sponsor's amendment and termination rights and procedures and how plan assets will be distributed if the plan is terminated;

(7) Rules restricting and regulating the use of personal health information (PHI), if the plan sponsor uses PHI;

(8) Subrogation, reimbursement, coordination of benefits, and offset provisions;

(9) Procedures for allocating and designating administrative duties to a TPA or committee;

(10) To the extent the plan has assets, the manner in which it is funded;

(11) Information regarding COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. § 300bb-1 et seq.)), HIPM (Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.)), and other federal mandates;

(12) Preexisting condition exclusions;

(13) Special enrollment rules;

(14) Mental health parity;

(15) Coverage for adopted children and domestic partners;

(16) Qualified medical support orders; and

(17) Minimum hospital stays following childbirth.

(b) The summary plan description must include, at a minimum:

(1) A summary description of all benefits and costs to insureds under the plan, including co-pays, deductibles, and premiums for different tiers of coverage, if applicable;

(2) A list of eligible plan participants;

(3) Contact information for the administrator;

(4) Contact information for the sponsor;

(5) A mailing address for each type of notice required by this part; and

(6) A copy of any forms required by the plan or by this part;

8-27-903. Subrogation; reimbursement.

(a) A plan shall not recover a medical payment paid to, or on behalf of, a plan participant under a plan unless:

(1) The medical payment has been incorrectly paid; or

(2) The plan participant recovers, or is entitled to recover, from a third-party tortfeasor or third-party insurer reimbursement for all or part of the costs of care or treatment for the injury or illness for which the medical payment is paid.

(b) The plan is subrogated to all rights of recovery against any person or entity for the cost of care or treatment for any injury or illness caused by a third-party tortfeasor for which medical payment is provided, contractual or otherwise, by the plan for the benefit of, or on behalf of, a plan participant. The subrogation right attaches automatically as a lien against any proceeds received by the plan participant from a third-party tortfeasor for the cost of care or treatment for any injury or illness caused by the third-party tortfeasor for which medical payment is provided.

(c) The plan has a right of reimbursement from any plan participant for the cost of care or treatment for any injury or illness caused by a third-party tortfeasor for which medical payment is provided, contractual or otherwise, by the plan for the benefit of, or on behalf of, a plan participant. The reimbursement right attaches automatically as a lien against any proceeds received by the plan participant from a

third-party tortfeasor for the cost of care or treatment for any injury or illness caused by the third-party tortfeasor for which medical payment is provided. The right of reimbursement is contingent upon:

(1) The plan stipulating that the reimbursement proceeds be held for the exclusive purpose of providing benefits to plan participants and their beneficiaries; and

(2) The plan stipulating that the plan waives its right of reimbursement when the plan participant is adjudged permanently disabled and thereby receives corresponding benefits from the social security administration or suffers a catastrophic loss, including, but not limited to, death; long-term or permanent disability; loss of a limb, extremity, or eye; permanent loss of fifty percent (50%) or more of sight or hearing; a prolonged vegetative state; permanent mental impairment; protracted and complex recovery requiring multiple or successive surgeries; or any other similar, life-altering loss.

(d) A plan is not required to choose between the plan's right of subrogation or right of reimbursement. However, once the plan has received the total amount of medical payments made on behalf of a plan participant, whether under a right of subrogation or a right of reimbursement, the plan's subrogation and reimbursement interests are extinguished.

(e) The plan may elect, on a case by case basis, whether to waive its subrogation or reimbursement interests. If the plan elects to waive one (1) interest, the waiver does not extinguish the other. If the plan elects to waive either its subrogation or reimbursement interests, the plan shall promptly notify the insured or the insured's attorney, in writing sent by certified mail with either return signature or electronic receipt.

(f) The plan shall not withdraw or reduce payments to a provider of medical services in order to recover funds obtained by a plan participant from a third-party tortfeasor or third-party insurer for medical services rendered by the medical-services provider if the plan has reason to know that the funds were obtained without the knowledge or direct assistance of the provider.

(g) If the plan asserts its right to subrogation or reimbursement, the plan shall clearly state the assertion in plain language in the SPD, informing the primary insured of the plan's rights of recovery against third parties and plan participants, and that the primary insured should seek the advice of an attorney regarding those rights of recovery to which the plan may be entitled.

(h) If a plan has a third-party administrator, recovery for any benefits incorrectly paid must be exclusively from such third-party administrator.

8-27-904. Plan participant rights and duties.

(a) By accepting payment of benefits pursuant to a plan authorized by this part, a plan participant has assigned to the plan the right of third-party insurance benefits or other recovery rights to which the plan participant may be entitled, which must be noted in plain language in the SPD.

(b) By accepting payment of benefits pursuant to a plan authorized by this part, a plan participant acknowledges the plan's right to reimbursement, which must be noted in plain language in the SPD.

(c) A plan under this part may deem a plan participant ineligible for continued or future coverage under the plan, if the plan participant:

(1) Receives payment from a third-party tortfeasor, third-party insurer, third party for medical payments, or other individual or entity originally paid by the plan for the benefit of, or on behalf of, the plan participant; and

(2) Fails or refuses to promptly reimburse the plan for the amounts paid by the plan.

(d) A plan shall not remove a plan participant under a plan pursuant to subsection (c) unless the plan or administrator provides the primary insured with written notice of intent to remove the plan participant. The plan or administrator shall send the notice at least ninety (90) days prior to the date the plan participant will lose benefits under the plan by certified mail with signed or electronic receipt. To be effective the notice must at a minimum include:

(1) The name of the plan participant to be removed from the plan;

(2) The date the plan participant will cease to be covered under the plan;

(3) The reason for removal from the plan;

(4) The name, title, phone number, mailing address, and email address of an individual with the authority to cancel or change the plan participant's removal, if the removal violates the terms of the plan, or as the sponsor permits.

(e) The plan shall not prevent a provider from receiving payment for services already rendered to a provider even if the plan participant is removed from participation in a plan pursuant to subsection (c). However, this subsection (e) does not require the plan to pay benefits to medical services providers if the benefits have already been paid to a plan participant.

8-27-905. Third parties.

(a) A third party, upon receiving a request from a plan, shall provide information identifying persons covered by third parties for medical services. As a condition of doing business in this state or providing coverage to residents of this state, and subject to subsection (c), a third-party for medical services shall, upon request from a plan or an administrator, electronically provide full eligibility files that contain information to determine the period a plan participant may be or may have been covered by the third party. The eligibility files must include the nature of the coverage that is or was provided by the third party; the name, address, date of birth, social security number, group number, and identifying number of the plan under which the plan participant may receive benefits; and the effective and termination dates for the coverage.

(b) A third party is not liable to a policyholder for proper release to a plan or an administrator of the information contained in the eligibility files provided pursuant to subsection (a).

(c) The third party shall provide the eligibility files pursuant to subsection (a) upon receipt of written request from a plan or an administrator with the third party establishing confidentiality requirements for the information. The plan or administrator may serve the request on the third party electronically or by mail.

(d) Third parties shall respond to all written inquiries by a plan regarding a claim for payment for any healthcare item or service that are submitted not later than three (3) years after the date of the provision of the healthcare item or service, or within three (3) years of conclusion of litigation. Third parties shall respond to a plan's or administrator's request for payment by providing payment on the claim, a written request for additional information with which to process the claim, or a written reason for denial of the claim within ninety (90) days of receipt of written proof of loss or claim for payment for healthcare services provided to, for the benefit of, or on behalf of, a plan participant. Such response from a third-party notice may be sent to the plan electronically if the plan administrator has provided an email address or other electronic means of communication, or by certified mail with either a return signature or electronic receipt. Notwithstanding title 56, a failure to pay or deny a claim within one hundred eighty (180) days after receipt of the claim constitutes a waiver of any objection to the claim and an obligation to pay the claim.

8-27-906. Information to be provided; Notifications; RSRI

(a) A plan shall list the address or addresses to which all notices required by this section must be sent in the plan document, in the SPD, and in all materials the plan provides to the primary insured regarding benefits under the plan, including information published on the internet or on a sponsor's intranet or electronic portal. The address must be an address that accepts certified mail.

(b) At each enrollment renewal period, the plan shall mail to each primary insured, at the primary insured's last address of record provided to the plan, an SPD that provides an RSRI form and details about the current plan benefits. To the extent that the sponsor maintains an intranet or other electronic portal for the benefit of its employees, such information must be readily available on this platform at all times and to all primary insureds and employees who may be eligible to participate in the plan. If the sponsor maintains a platform that satisfies the foregoing, the platform may be used in lieu of the plan mailing each primary insured an SPD; provided, that for each new enrollment period all primary insureds and employees who may be eligible to participate in the plan are required to electronically acknowledge receipt of, and access to, the SPD via the platform.

(c) SMMs must be drafted in plain language and be provided to each primary insured under the plan within sixty (60) days after the date of adoption of any material reduction in benefits or material increase in

cost to plan participants. An SMM may be provided either by certified mail or via the sponsor's intranet or electronic portal; provided, that the primary insured is required to electronically acknowledge receipt of such SMM via the platform. At a new enrollment period the plan may use an SMM to disclose only the changes to the plan rather than drafting a new SPD; provided, that the plan also provides a copy of the original SPD to which the changes apply, and provided that primary insureds and employees who may be eligible to participate in the plan are required to electronically acknowledge receipt of, and access to, the SMM via the platform.

(d) Before the entry of the judgment or settlement in a personal injury case, the plan participant or the plan participant's attorney, or other individual or the individual's attorney, who has an interest in recovery under this part, shall notify the plan by completing the plan's RSRI form or in writing, either of which must be sent by certified mail, with return receipt signature or electronic verification, at the address provided in the SPD or plan document, requesting that the plan determine the amount, if any, of the plan's subrogation or reimbursement interest. Written notice must, at a minimum, provide the plan participant's full name; date of birth; social security number, if known; and the date the plan participant's claim arose. If the plan participant's attorney or representative is on notice that the plan has an interest in the judgment or settlement and fails to provide notice to the plan as required by this section, upon motion by the plan, the plan participant's attorney's interest in any recovery must be reduced by up to fifty percent (50%) with the forfeited amount paid to the plan. If the plan participant is unrepresented and fails to provide notice as required by this section, upon motion by the plan the court shall award to the plan from the plan participant's recovery an amount that, in the court's discretion, reimburses the plan for amounts the plan lost due to the plan participant's failure or refusal to provide the plan with the notice required under this section. Such amount may be up to the full amount of the plan's subrogation or reimbursement interest to the extent that such interest may be satisfied from the recovery proceeds, without reduction and irrespective of the plan participant's claims.

(e) Within ninety (90) days of receipt of the notice required by subsection (d), a plan having a subrogation or reimbursement interest shall respond to the individual who provided the notice in writing sent by certified mail, with either return receipt signature or electronic verification, providing the amount of the subrogation or reimbursement interest, or both, a request for additional information or documentation, or notice that additional time is necessary to determine the amount of the plan's subrogation or reimbursement interest, or both. If additional time is necessary, a plan shall provide a response containing the amount of the subrogation or reimbursement interest, or both, within one hundred eighty (180) days of receipt of the notice required by subsection (d), unless treatment of the plan participant, or billing of the plan by medical services providers, is ongoing. If a plan or plan administrator notifies the plan participant or the plan

participant's attorney that the plan is unable to provide the amount of its subrogation or reimbursement interest, or both, because treatment or billing is ongoing, the notification is a valid response, and the plan's subrogation or reimbursement interest, or both, is not extinguished. The plan participant or the plan participant's attorney bear the burden of additional requests to the plan to ascertain the amount of the plan's subrogation or reimbursement interest, or both. The plan participant or the plan participant's attorney shall then inform the court regarding the results of the notice, if any, to the plan. If the plan fails to respond within the period specified in this subsection (e), then the plan's subrogation or reimbursement interest, or both, is extinguished and disbursements may be made without recourse upon the plan participant or the plan participant's attorney, or other individual who may have an interest in such disbursements.

(f)(1) This section does not preclude the plan from declining to provide its subrogation or reimbursement interest, or both, until the plan receives one (1) or more of the following:

(A) The plan participant's affidavit attesting that treatment beyond routine follow-up for injuries sustained in the incident at issue has ceased beyond routine follow-up;

(B) The plan participant's attorney's affidavit attesting to the amount of available recovery, including the sources of all such recovery, the amount of interest the attorney is claiming in any recovery, and whether to the best of the attorney's knowledge and belief, the plan participant's medical care for injuries sustained in the incident at issue has ceased beyond routine follow-up; and

(C) The plan participant's treating physician's statement indicating the plan participant's date of maximum medical improvement, return to work date, permanent impairment or disability, and anticipated additional treatment beyond routine follow-up.

(2) A plan's request for the information listed in subdivision (f)(1) does not extinguish the plan's subrogation or reimbursement interest and is not considered for purposes of calculating the plan's one hundred eighty (180) day response period.

(g) If the plan participant or the plan participant's attorney received a timely response from the plan, but the amount of the subrogation or reimbursement interest, or both, remains in dispute, upon motion by the plan, the trial judge shall hold a hearing in accordance with subsection (h). After trial and at the time of the entry of the judgment or settlement in a case in which the plan has a subrogation or reimbursement interest, or both, under this section, it is the responsibility of the trial judge to calculate the amount of the subrogation or reimbursement interest, or both, and incorporate the court's findings concerning such interest in the final judgment or settlement.

(h) The trial judge shall base the gross amount of the subrogation or reimbursement interest upon the findings of the verdict at trial concerning medical expenses and evidence introduced after the trial about the total sum of moneys paid by the plan for medical expenses

for injuries arising from the incident that is the basis of the action. The trial judge shall reduce the gross amount of the subrogation or reimbursement interest by one (1) or more of the following factors, as applicable:

(1) To the extent that the plan participant plaintiff is partially at fault in the incident giving rise to the litigation, the subrogation or reimbursement interest is reduced by the percentage of fault assessed against the plan participant plaintiff;

(2) To the extent that the finder of fact allocated fault to a person who was immune from suit, the subrogation or reimbursement interest is reduced by the percentage of fault assessed against the immune person;

(3) To the extent that the finder of fact allocates fault to a governmental entity that has its liability limited under state law, and the fault of the entity, when multiplied by the total dollar value of the damages found by the finder of fact, exceeds the amount of judgment that can be awarded against the entity, the subrogation or reimbursement interest is reduced proportionately by a percentage derived by dividing the uncollectable portion of the judgment against the plan by the total damages awarded; or

(4) To the extent that the finder of fact allocated fault to a person that the plan participant plaintiff did not sue, the plan's subrogation or reimbursement interest is reduced by the percentage of fault assessed against the nonparty.

(i) After the calculations described in subsection (h) are performed, the trial judge shall reduce the subrogation or reimbursement interest pro rata by the amount of reasonable attorneys' fees and litigation costs incurred by the plan participant plaintiff in obtaining the recovery.

(j) The amount determined from the calculations required under subsections (h) and (g) is the net subrogation or reimbursement interest. If a plan participant plaintiff or the plan participant's attorney collects the judgment, each has the obligation to promptly remit the net subrogation or reimbursement interest and attorneys' fees and costs to the counsel or other individual specified in the plan document or SPD, as required by the final judgment. If the plan participant plaintiff and the plan participant's attorney collect only a portion of the final judgment, each has the obligation to promptly remit a pro rata share of the net subrogation interest and attorneys' fees and costs to the counsel or other individual specified in the plan document or SPD, as required by the final judgment. If the plan participant plaintiff and the plan participant's attorney later collect additional moneys against the judgment, there is a continuing obligation on both to remit a pro rata share of the moneys collected as required by the final judgment.

(k) If a plan participant plaintiff or the plan participant's attorney, or both, fail to timely remit to the counsel or other individual specified in the plan document or SPD the plan's pro rata portion of judgment moneys received, upon motion by the plan, the court may, in its discretion, award to the plan attorney's fees for the cost of the motion,

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interest on moneys withheld, as well as the amounts withheld, and order those who failed to timely release funds to forfeit to the plan all sums received in payment of the judgment. If the court finds that a motion under this subsection (k) was filed in bad faith, the court may award to the plan participant plaintiff or the plan participant's attorney, or both, attorney's fees for the cost of the motion, and order the plan to forfeit its net subrogation or reimbursement interest.

(l) If the case between the plan participant plaintiff and the defendant is settled before trial and the parties and the plan are unable to reach an agreement on the amount of the subrogation or reimbursement interest, then the trial judge shall hold a hearing to determine the gross and net subrogation or reimbursement interests, taking into account the criteria listed in subsection (h) and the likelihood of collecting any judgment against parties determined to be at fault. Expert foundation is not required to prove any claimed damages. An aggrieved party may appeal the court's decision.

8-27-907. Limitations.

If a plan participant initiates suit against a plan or administrator for any action taken on behalf of the plan with respect to benefits under the plan, recovery is limited to accrued benefits due under the terms of the plan, a declaratory judgment on entitled-to benefits, or an injunction against a plan's or administrator's improper refusal to pay benefits. Relief under this section does not include damages, but it may include reasonable attorney's fees.

8-27-908. Intent of general assembly.

It is the intention of the general assembly that §§ 8-27-905 - 8-27-907 be used in lieu of application of the "made whole" doctrine for any recovery authorized under this part. Sections 8-27-905 - 8-27-907 apply to cases that have been settled when no lawsuit has been filed.

8-27-909. Request by plan participant for plan document.

The plan document must be made available to all plan participants for review, either electronically or in printed format, upon a plan participant's request.

SECTION 4. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it, and applies to plans entered into or renewed on or after that date.

PUBLIC CHAPTER NO. 361**SENATE BILL NO. 1028****By Briggs, Robinson, Gilmore**

Substituted for: House Bill No. 893

By McKenzie, Beck, Parkinson, Hardaway, Freeman, Lamar, Gloria Johnson,
Love, Clemmons, Powell

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, relative
to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[40-32-101]

SECTION 1. Tennessee Code Annotated, Section 40-32-101(h)(1), is
amended by deleting the language “after January 1, 1980,”.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 362**SENATE BILL NO. 1035**

**By Bell, Bowling, White, Yager, Gilmore, Jackson, Lundberg, Massey,
Robinson, Rose, Yarbrow, Akbari, Campbell**

Substituted for: House Bill No. 39

By Freeman, Ogles, Jernigan, Eldridge, Beck, Gillespie, Curcio, Russell, Lamberth, Farmer, Moody, Jerry Sexton, White, Bricken, Towns, Crawford, Hardaway, Moon, Calfee, Smith, Thompson, Gloria Johnson, Helton, Lamar, Todd, Williams, Powell, Miller, Clemmons, Tim Hicks, Alexander, Hodges

AN ACT to amend Tennessee Code Annotated, Title 4; Section 10-7-504; Title 29; Title 38; Title 39; Title 40 and Title 63, relative to sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-519]

SECTION 1. This act is known and may be cited as the “Jim Coley Protection for Rape Survivors Act”.

[39-13-519]

SECTION 2. Tennessee Code Annotated, Section 39-13-519, is amended by deleting subsection (b) and substituting:

(b) A victim of a sexually-oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Within twenty-four (24) hours of the conclusion of the forensic examination, the healthcare provider shall notify the applicable law enforcement agency that a sexual assault evidence collection kit or hold kit is ready for release. Within seven (7) days of being notified, the law enforcement agency shall pick up the sexual assault evidence collection kit or hold kit for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (ONA) testing.

[39-13-519]

SECTION 3. Tennessee Code Annotated, Section 39-13-519, is amended by deleting subdivision (c)(1) and substituting:

(1) If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim’s name. The healthcare provider shall provide the victim with the identifying number placed on the victim’s hold kit; information about where and how long the kit will be stored; procedures for making a police report and information about the electronic tracking system procured by the Tennessee bureau of investigation pursuant to Section

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10; contact information for local rape crisis centers, if any; and a copy of the rights of a victim of a sexually-oriented crime as set forth in Section 9. The hold kit must be released to the appropriate law enforcement agency for storage pursuant to subdivision (d)(2). Once a victim makes a police report, the law enforcement agency shall change the kit status in the system prior to submitting the kit to the state crime lab or other similar qualified laboratory for either serology or DNA testing.

[39-13-519]

SECTION 4. Tennessee Code Annotated, Section 39-13-519(d)(1), is amended by deleting the language “sixty (60) days” and substituting the language “thirty (30) days”.

[39-13-519]

SECTION 5. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language “sixty (60) days” and substituting the language “thirty (30) days”.

[39-13-519]

SECTION 6. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language “three (3) years” and substituting the language “ten (10) years”.

[39-13-519]

SECTION 7. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following as new subsections:

() Beginning July 1, 2022:

(1) A law enforcement agency, the state crime lab, and any other similar qualified laboratory that receives, maintains, stores, or preserves sexual assault evidence collection kits or hold kits must participate in the electronic tracking system administered by the Tennessee bureau of investigation pursuant to Section 1 O;

(2) A law enforcement agency receiving a sexual assault evidence collection kit after the conclusion of the forensic medical examination must provide the victim with a tracking number for the sexual assault evidence collection kit, and a copy of the pamphlet created by the Tennessee bureau of investigation pursuant to Section 10 explaining how to access and use the tracking system and the victim’s right to receive testing status updates of the victim’s sexual assault evidence collection kit generated by the Tennessee bureau of investigation or similar qualified laboratory; and

(3) A law enforcement agency receiving a sexual assault evidence collection kit or hold kit from a healthcare provider must enter the sexual assault evidence collection kit or hold kit into the tracking system within ten (10) days of receipt of the evidence from the healthcare provider. The location and status of the evidence must

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be updated in the tracking system by the law enforcement agency and the state crime lab or other similar qualified laboratory taking possession of the kit at each step of the process, including submission of the evidence to the laboratory for testing, laboratory testing status, and evidence disposition following laboratory testing.

() Upon receipt of DNA data analysis results from the Tennessee bureau of investigation pursuant to § 38-6-113(d) or similar qualified laboratory, the investigating agency must, upon a victim's request and within a reasonable time, notify the victim of whether a DNA sample was obtained from the analysis and whether the analysis resulted in a match to a DNA profile in state or federal databases, unless disclosure of the information would impede or compromise the investigation.

[39-13-507]

SECTION 8. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

() Sexual assault forensic evidence obtained pursuant to § 39-13-519 may not be used:

(1) To prosecute a sexual assault victim for any misdemeanor offense or any offense defined under title 39, chapter 17, part 4; or

(2) As a basis to search for further evidence of any unrelated misdemeanor offense or any offense defined under title 39, chapter 17, part 4, that may have been committed by the sexual assault victim.

[40-38-119]

SECTION 9. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Crime assistance program" includes, but is not limited to, programs that provide appropriate counseling and support to victims;

(2) "Sexually-oriented crime" means those crimes listed in § 29-13-118(b); and

(3) "Victim" means a victim of a sexually-oriented crime.

(b) A victim of a sexually-oriented crime has the right, upon request, to:

(1) Consult with a crime victim advocate from a crime assistance program or a victim-witness coordinator as provided for in § 8-7-206 at any stage of the criminal proceeding;

(2) Have a support person of the victim's choosing present during any forensic medical examination and during any interview with law enforcement, the prosecuting attorney, the defendant, or the defendant's attorney;

(3) Be interviewed by a law enforcement officer of the gender of the victim's choosing if reasonably available;

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(4) Be informed by the appropriate agency of a change in the status of the victim's case, including whether the case has been closed or reopened;

(5) Be notified when the investigating agency has received results of the medical forensic evidence DNA analysis from the Tennessee bureau of investigation or other similar qualified laboratory;

(6) Be informed of whether a DNA sample was obtained from the analysis and whether the analysis resulted in a match to a DNA profile in state or federal databases unless disclosure would impede or compromise the investigation; and

(7)(A) Be informed, upon a victim's request, by the appropriate law enforcement agency at least sixty (60) days before the intended date of destruction or disposal of the victim's sexual assault evidence collection kit evidence or other evidence from an unsolved sexual assault case if the intended date of destruction or disposal is prior to the expiration of the applicable statute of limitations; and

(B) Request retention of the evidence for an additional twelve (12) months or for a time period agreed upon by the victim and the appropriate law enforcement agency.

(c) The victim has a duty to keep current information regarding the victim's location so that the appropriate agency may be able to contact the victim.

[38-6-128]

SECTION 10. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "forensic medical examination", "hold kit", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meaning as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall procure and implement an electronic system that tracks the location and laboratory analysis status of each sexual assault evidence collection kit and hold kit released to a law enforcement agency at the conclusion of a forensic medical examination on or after July 1, 2022.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting the tracking number into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation shall create a written pamphlet explaining how to access and use the tracking system. The

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law enforcement agency described in subsection (c) must provide the pamphlet to the victim with the tracking number.

(e) Records and information contained in the tracking system pursuant to this section are confidential and not a public record.

[Effective date 7/1/2021]

SECTION 11. Sections 6 and 10 of this act take effect upon becoming a law, the public welfare requiring it. All other provisions of this act take effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 363**SENATE BILL NO. 1115****By White, Gilmore**

Substituted for: House Bill No. 1302

By Littleton, Bricken, Hardaway, Reedy, Hazlewood, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to statutes of limitation for human trafficking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-2-101]

SECTION 1. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following new subsection:

(r) Notwithstanding subsections (k) and (q), a person may be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2021, that constitutes the offense of trafficking for commercial sex act under § 39-13-309, at any time after the offense is committed.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 364**SENATE BILL NO. 1121****By White, Pody**

Substituted for: House Bill No. 1211

By Baum, Lamberth, Sherrell, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-14-129]

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Addressee" means the person to whom a piece of mail is addressed;

(2) "Curtilage" has the same meaning as defined in § 39-11-611; and

(3) "Mail" means a letter, postal card, package, bag, or other sealed article that:

(A) Is delivered by a common carrier or delivery service and not yet received by the addressee; or

(B) Has been left to be collected for delivery by a common carrier or delivery service.

(b) It is an offense to take mail from a residential mailbox or from the curtilage of a dwelling without the consent of the addressee and with the intent to deprive the addressee of the mail.

(c)(1) A first offense of mail theft is punished as theft under § 39-14-105, after determining value under § 39-11-106.

(2) A second or subsequent offense of mail theft is punished as theft under § 39-14-105, after determining value under § 39-11-106. However, in no event shall punishment for a second or subsequent offense of mail theft be less than a Class E felony.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to violations occurring on or after that date.

PUBLIC CHAPTER NO. 365**SENATE BILL NO. 1126****By White**

Substituted for: House Bill No. 341

By Littleton, Moody, Gillespie, Rudder, Eldridge, Carter, Curcio, Garrett,
Cepicky, Mannis, Freeman, Crawford, Helton

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 7,
relative to standardized treatment for sex offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-703]

SECTION 1. Tennessee Code Annotated, Section 39-13-703(3), is amended
by adding the following new subdivision:

(C) The commission of any act that, on or after July 1, 2021,
constitutes the criminal offense of:

(i) Trafficking for commercial sex act, as prohibited by
§ 39-13-309;

(ii) Patronizing prostitution from a person who is
younger than eighteen (18) years of age or has an intellectual disability,
as prohibited by § 39-13-514;

(iii) Promoting the prostitution of a minor, as prohibited
by § 39-13-515;

(iv) Criminal attempt, conspiracy, or solicitation to
commit any of the offenses specified in this subdivision (3)(C); and

(v) Criminal responsibility for the facilitation of a felony
when the specific felony facilitated is any of the offenses specified in
this subdivision (3)(C); and

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 366

SENATE BILL NO. 1151

By Johnson

Substituted for: House Bill No. 1010

By Gary Hicks, Freeman

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8, Part 1 and Title 56, relative to insurance for the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[9-8-103]

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) With the approval of the board of claims pursuant to this section and notwithstanding § 56-13-119, the state treasurer may establish and maintain a captive insurance company as defined in § 56-13-102.

(b) The captive insurance company described in subsection (a):

(1) Is subject to the Revised Tennessee Captive Insurance Act, compiled in title 56, chapter 13, as applicable, and other applicable laws and rules regardless of whether adequate insurance markets are available to cover the risks, hazards, and liabilities described in this section;

(2) Is a separate legal entity, owned and controlled by the state, and shall only insure the potential losses, exposures, and risks of entities that are subject to insurance and self-insurance pursuant to this chapter, including, but not limited to, executive, legislative, and judicial branch state agencies and state institutions of higher education; and

(3) Is administratively attached to the department of treasury for the purposes of administration and personnel.

(c) Through the establishment of the captive insurance company described in subsection (a), the board of claims shall:

(1) Annually review and approve the captive insurance company's business plan;

(2) Periodically determine, reevaluate, and revise:

(A) The potential losses, exposures, and risks that will be insured through the captive insurance company;

(B) The nature and scope of insurance coverage or coverages to be provided through the captive insurance company;

(C) The method by which coverage and coverages are to be extended, and contributions are to be paid and collected, including, but not limited to, premiums and assessments;

(D) The amount of the exposure for each line of insurance coverage, as well as the premium amounts for each entity, including, but not limited to, state institutions of higher education;

(E) A process through which premiums may be collected directly from the state as opposed to each entity; and

(F) The initial and continuing capital requirements to form and maintain the captive insurance company, including, but not limited to, the amount and funding source for the initial and continuing capital. Initial or continuing capital may be funded by appropriations in the general appropriations act, from the risk management fund contained in § 9-8-109, or other sources allowable under applicable laws and rules;

(3) Establish an investment policy for the investment and reinvestment of capital, premiums, and other funds and assets of the captive insurance company. The policy may authorize the funds and assets to be invested in a security, investment, or investment interest that is not otherwise prohibited by Article II, § 31 of the Tennessee constitution. Collateral that is required to secure an investment or investment interest authorized in the policy may be in the form of a security, investment, or investment interest in which the funds and assets of the captive insurance company may be directly invested in, including cash;

(4) Promulgate substantive or procedural rules to effectuate this section;

(5) Approve regulatory filings to be made by the state on behalf of the captive insurance company in compliance with applicable laws and rules;

(6) Delegate to the state treasurer the day-to-day operations and responsibilities of the captive insurance company. The state treasurer shall implement the board of claims directives, and exercise the state's powers, duties, and responsibilities contained in this section, to implement the captive insurance company. The state treasurer may assign duties and responsibilities to the state treasurer's staff, or private vendors and contractors, as the state treasurer deems necessary and proper, and may consult with professionals as necessary about the administration of the captive insurance company. The state treasurer may also establish, implement, and adopt policies, guidelines, and operating procedures in accordance with this section and the board's delegation;

(7) Approve the dissolution of the captive insurance company; and

(8) Perform other duties or actions necessary for the effective implementation,

operation, and administration of the captive insurance company.

(d) Upon the board of claims approval of the formation of the captive insurance company described in subsection (a), the state treasurer is authorized to:

(1) Provide administrative support to implement, administer, and operate the captive insurance company through its administrative attachment to the department of treasury;

(2) Facilitate the creation, implementation, or modification of the insurance policy or policies issued by the captive insurance company;

(3) Facilitate agreements between the captive insurance company and other insurers and reinsurers;

(4) Facilitate contracts, agreements, and procurements on behalf of the captive insurance company to effectuate this section, including, but not limited to, financial consultants; investment consultants; actuaries; auditors; accountants; brokers; adjusters; attorneys; third party administrators; and other contractors as necessary to carry out the duties and responsibilities of establishing, implementing, and administering the captive insurance company. Payment for expenses for these services may come from the risk management fund or the assets of the captive insurance company;

(5) Prepare or assist in the preparation of financial statements and reports of financial condition;

(6) Maintain or assist in maintaining accounting for the captive insurance company;

(7) Ensure the captive insurance company's compliance with applicable laws and rules; and

(8) Perform other duties or actions necessary for the effective implementation, operation, and administration of the captive insurance company.

(e) Funds received by the captive insurance company must be used exclusively for the purposes and activities set forth in this section, and must be invested and reinvested in the name of the captive insurance company by the state treasurer in accordance with the board's investment policy established pursuant to this section.

(f) Notwithstanding any law to the contrary:

(1) A reserve balance remaining unexpended at the end of a fiscal year in the captive insurance company's fund or account does not revert to the general fund or the risk management fund but is carried forward into the subsequent fiscal year; and

(2) Interest accruing on investments and deposits of the captive insurance company must be credited to the company's fund or account, must not revert to the general fund or the risk management fund, and must be carried forward into the subsequent fiscal year.

(g)(1) The captive insurance company's policies must contain provisions that are consistent with the state's claims administration process contained in chapter 8, parts 3 and 4 of this title, and other applicable laws and rules relative to the adjustment, adjudication, and settlement of claims filed against the state.

(2) The granting or denial of claims filed pursuant to the captive insurance company's policies must be done in accordance with chapter 8, parts 3 and 4 of this title, and other applicable laws and rules.

(h) The captive insurance company described in subsection (a) is subject to, and shall comply with, applicable laws and rules relative to captive insurance companies and the applicable laws and rules governing its business structure.

(i) The captive insurance company described in subsection (a) is subject to examination and audit by the comptroller of the treasury in the same manner as prescribed for the department of treasury.

(j) If the captive insurance company described in subsection (a) ceases to exist, then its assets remaining after its obligations and liabilities have been satisfied or discharged shall pass to, and become the property of, the risk management fund contained in § 9-8-109.

[9-8-109]

SECTION 2. Tennessee Code Annotated, Section 9-8-109(d), is amended by deleting the subsection and substituting the following:

(1) Expenses payable from the risk management fund include those attributable to:

(A) Defending state employees pursuant to title 8, chapter 42;

(B) Defending the state pursuant to part 3 of this chapter;

(C) The division of claims and risk management; and

(D) The Tennessee claims commission.

(2) Expenses attributable to the following may be paid from the risk management fund:

(A) The department of treasury's casualty risk program;

(B) Initial and continuing capital to fund the state's captive insurance company;

(C) Expenses for the operation of the state's captive insurance company;

(D) Premium payments for covered entities; and

(E) Expenses and losses arising pursuant to title 12, chapter 4, part 10.

(3) Expenses pursuant to this subsection (d) are subject to annual appropriations and chapter 4, part 51 of this title.

(4) Subsequent to the close of each fiscal year, the attorney general and reporter shall provide to the state board of claims a report describing the manner in which funds received from the risk management fund were used in defending actions brought against the state and its employees.

[9-8-103; 9-8-109]

SECTION 3. The board of claims is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 5/11/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 367**SENATE BILL NO. 1156****By Kelsey**

Substituted for: House Bill No. 1591

By White

AN ACT to amend Chapter 1 of the Public Acts of 2021 (1st Ex. Sess.); Chapter 3 of the Public Acts of 2021 (1st Ex. Sess.) and Tennessee Code Annotated, Title 49, Chapter 1, Part 9; and Title 49, Chapter 6, Part 31, relative to mandatory third grade retention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-3115]

SECTION 1. Chapter 1 of the Public Acts of 2021 (1st Ex. Sess.), is amended by adding the following language immediately following the first sentence in Section 49-6-3115(d) of Section 2:

The rules must provide that if an appeal is filed, the filing must be made by the student's parent or guardian.

[49-1-905]

SECTION 2. Tennessee Code Annotated, Section 49-1-905(d), as enacted by Chapter 3 of the Public Acts of 2021 (1st Ex. Sess.), is amended by adding the following as a new subdivision:

(4) Information about mandatory retention under § 49-6-3115(a)(1) for students in grade three (3) with an achievement level of "approaching" or "below" on the ELA portion of the student's most recent TCAP test.

[Effective date 5/11/2021]

SECTION 3. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. Section 2 of this act takes effect July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 368**SENATE BILL NO. 1173****By Crowe**

Substituted for: House Bill No. 1150

By Gary Hicks

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, relative to the Helping Heroes Act of 2008.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-938]

SECTION 1. Tennessee Code Annotated, Section 49-4-938(c)(3), is amended by deleting the subdivision and substituting the following:

(3) Have been awarded:

(A) The Iraq campaign medal;

(B) The Afghanistan campaign medal;

(C) On or after September 11, 2001, the global war on terrorism expeditionary medal; or

(D) A service expeditionary medal identified in rules and regulations promulgated by TSAC;

[49-4-938]

SECTION 2. Tennessee Code Annotated, Section 49-4-938, is amended by deleting subsections (h) and (k).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 369**SENATE BILL NO. 1175****By Crowe, Pody, Bowling, Hensley, Rose**

Substituted for: House Bill No. 1403

By Hall, Grills, Moody, Smith, Alexander, Todd

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10, Part 4 and Title 49, relative to immunization.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-5001]

SECTION 1. Tennessee Code Annotated, Section 49-6-5001, is amended by adding the following as a new subsection:

() Any communication provided to students or parents by any school, nursery school, kindergarten, preschool, or child care facility of this state regarding immunization requirements must include information on the grounds for exemption from the immunization requirement pursuant to subsections (c) and (e). The exemption information and immunization requirements must be:

(1) Provided in the same font size and style; and

(2) Located on the same page of the written or digital communication.

[49-7-175]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

Any communication provided to students or parents by a public institution of higher education regarding immunization requirements must include information on the grounds for any exemption from the immunization requirements. The exemption information and immunization requirements must be:

(1) Provided in the same font size and style; and

(2) Located on the same page of the written or digital communication.

[Effective date 5/11/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring t.

PUBLIC CHAPTER NO. 370

SENATE BILL NO. 1211

By Bowling

Substituted for: House Bill No. 1298

By Stewart, Hardaway, Smith, Hazlewood, Lynn, Powell, Jernigan,
Clemmons, Calfee, Chism

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 47, Chapter 18, relative to consumer protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[47-18-5202]

SECTION 1. Tennessee Code Annotated, Section 47-18-5202, is amended by adding the following as a new subdivision:

“Wireless communication” includes text messages sent and received on smart devices;

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 371**SENATE BILL NO. 1227****By Rose**

Substituted for: House Bill No. 1346

By Moody, Griffey, Freeman, Hazlewood, Littleton

AN ACT to amend Tennessee Code Annotated, Title 39, relative to sexual exploitation of children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1002]

SECTION 1. Tennessee Code Annotated, Section 39-17-1002(8), is amended by deleting subdivision (G) and substituting the following:

(G) Exhibition of the breast, genitals, buttocks, anus, or pubic or rectal area of any minor that can be reasonably construed as being for the purpose of the sexual arousal or gratification of the defendant or another.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to prohibited conduct occurring on or after the effective date of this act.

PUBLIC CHAPTER NO. 372**SENATE BILL NO. 1271****By Reeves**

Substituted for: House Bill No. 1015

By Gary Hicks, Garrett, Smith, Hazlewood, Helton, Weaver

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to discount plans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 56, ch. 17; 56-17-101; 56-17-102; 56-17-103; 56-17-104; 56-17-105; 56-17-106]

SECTION 1. Tennessee Code Annotated, Title 56, is amended by adding the following as a new chapter:

56-62-101. Chapter definitions.

As used in this chapter:

(1) "Commissioner" means the commissioner of commerce and insurance;

(2) "Department" means the department of commerce and insurance;

(3) "Discount plan":

(A) Means a card, or other purchasing mechanism or device, that is not insurance and purports to offer discounts or access to discounts to a member for dental services, vision services, or retail purchases of prescription drugs from licensed pharmacies; and

(B) Does not include:

(i) A discount card or drug benefit plan provided by a self-insured employer's group health benefits plan;

(ii) A discount plan offered by an insurer licensed under this title in conjunction with health insurance;

(iii) A dental service plan regulated by the Dental Service Plan Law, 1961, compiled in chapter 30 of this title; or

(iv) A vision service plan regulated by the Vision Service Plan Law, compiled in chapter 31 of this title;

(4) "Marketer" means a person or entity that offers, sells, markets, advertises, or otherwise distributes a discount plan, including a private label entity that places its name on, and markets or distributes, a discount plan pursuant to a marketing agreement with a discount plan operator;

(5) "Member" means an individual who pays fees, dues, charges, or other consideration for the right to enroll to receive the purported benefits of a discount plan;

(6) "Operator":

(A) Means a person that engages as principal in the business of offering, selling, marketing, advertising, or otherwise distributing a discount plan within this state; and

(B) Does not include discount cards offered by a nonprofit association to its members as an incidental benefit to membership in the association as long as that membership in the association entitles members to apply for insurance or other health benefits that are available only to members of the association;

(7) "Person" means an individual, corporation, partnership, association, joint venture, joint stock company, trust, unincorporated organization, limited liability company, similar entity, or combination of these entities; and

(8) "Prescription drug" has the same meaning as defined in § 63-10-204.

56-62-102. Certificate of registration required by operator of discount plan - Application.

(a) An operator of a discount plan must obtain a valid certificate of registration from the commissioner. A certificate of registration is not required for a marketer. A certificate of registration is valid for one (1) year from the date of issuance. In order to receive a valid certificate of registration, an operator must file an application on a form adopted by the commissioner and provide, or demonstrate, to the commissioner the following:

(1) The name and principal place of business of the operator; and

(2) The name and address of the agent in this state for service of process.

(b) Notwithstanding any law to the contrary, it is a violation of this chapter for an operator, on or after August 1, 2022, to sell, market, promote, advertise, or otherwise distribute a discount plan in this state without first complying with the registration provisions of this chapter and complying with §§ 47-18-2701 and 47-18-2702.

56-62-103. Information required to be provided to members.

(a) A discount card or materials distributed on behalf of a discount plan covered under this chapter must expressly provide, in bold and reasonably prominent type, that the card or plan does not constitute insurance. The card or distributed materials must also contain a toll-free number for customer service and provide the operator's corporate name and a website address, if applicable.

(b) The operator must provide a prospective member, prior to becoming a member, with a complete description of the fees that a member of the plan could be assessed, including one-time non-refundable processing fees, upfront fees, or membership fees associated with the plan, along with the estimated average savings typically associated with the plan's general terms and conditions.

(c) An operator must provide a member with:

(1) An annually updated network directory of participating pharmacies, dentists, and vision care providers or access to the information online or by a toll-free number;

(2) An annually updated list of the prescription drugs covered by the card or plan or access to the information online, by a toll-free number, or by way of a notation that the plan is an open formulary; and

(3) A toll-free number for customer service.

56-62-104. Cancellation by members.

(a) A member has the right to cancel membership in a plan within thirty (30) days of joining the plan and has the right to have refunded membership fees paid during that initial membership, except for a one-time nominal processing fee.

(b) After the initial thirty-day membership period, a member has the right to cancel membership, in accordance with the policies established by the operator. An operator must provide information concerning the cancellation policy to the member at the time of the initial membership and cannot change the cancellation policy unless the operator provides the member with written notice at least thirty (30) days prior to the date the change takes effect.

56-62-105. Additional consumer protections.

(a) An operator or marketer shall not:

(1) Describe or characterize the discount plan as being insurance;

(2) Use or approve for use in its cards or distributed materials the terms "health plan," "coverage," "copay," "copayments," "deductible," "preexisting conditions," "guaranteed issue," "premium," "PPO," "preferred provider organization," or other terms in a manner that could reasonably mislead an individual into believing that the discount plan is health insurance;

(3) Make misleading, deceptive, or fraudulent representations regarding the discount or range of discounts offered by the discount plan; or

(4) Pay pharmacies, dentists, or vision care providers fees for healthcare services or collect or accept money from a member to pay a pharmacy, dentist, or vision care provider for healthcare services provided under the discount plan, unless the operator or marketer has an active certificate of authority to act as a third-party administrator.

(b) An operator shall approve in writing, prior to the marketer's use, all cards and distributed materials used by marketers to offer, sell, market, advertise, or otherwise distribute the discount plan.

56-62-106. Violations - Penalties.

(a) As part of an examination or investigation, the commissioner may request, and the operator or marketer shall provide, copies of materials that are distributed to prospective members.

(b) After notice and hearing, the commissioner may levy an administrative penalty, in an amount up to ten thousand dollars (\$10,000), for each violation of this chapter. Each day of a continuing violation constitutes a separate violation for purposes of this chapter.

[56-57-103; 56-57-104; 56-57-105; 56-57-106]

SECTION 2. Tennessee Code Annotated, Sections 56-57-103, 56-57-104, 56-57-105, and 56-57-106, are amended by deleting the sections and substituting:

56-57-103.

A prescription drug discount plan issued pursuant to § 56-57-102 is subject to regulation by the department and compliance with laws applicable to pharmacy discount cards, including, but not limited to, chapter 62 of this title.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 373

SENATE BILL NO. 1277

By Reeves, Bowling, Hensley, Niceley, Pody, Jackson, Massey, Rose

Substituted for: House Bill No. 750

By Boyd, Gant, Ramsey, Jernigan, Whitson, Hall, Marsh, Freeman, Terry,
Gary Hicks, Ogles, Sherrell, Williams, Faison, Hawk, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 56, Chapter 1, Part 1 and Title 63, relative to the chronic weight management task force.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-1-111]

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) There is created the chronic weight management task force to study the health implications of chronic weight management and Type 2 diabetes.

(b) The task force is composed of the following members:

(1) Three (3) members of the house of representatives, one (1) of whom is the co-chair, appointed by the speaker of the house of representatives;

(2) One (1) member who is a licensed certified endocrinologist appointed by the speaker of the house of representatives;

(3) Three (3) members of the senate, one (1) of whom is the co-chair appointed by the speaker of the senate;

(4) One (1) member who is an obesity expert certified by American Board of Obesity Medicine, appointed by the speaker of the senate; and

(5) The commissioner of commerce and insurance or the commissioner's designee.

(c) The task force shall study:

(1) The health implications of chronic weight management and Type 2 diabetes;

(2) The cost associated with the diseases;

(3) The various health treatments available to reduce the epidemic in this state caused by the diseases; and

(4) How to promote the use of the data to influence decision making to better understand the cost savings for prevention of chronic weight management and Type 2 diabetes.

(d) The first meeting of the task force is no later than September 1, 2021. The task force may conduct meetings as it deems necessary to

PUBLIC CHAPTER NO. 373 (cont'd)

conduct its business. The members shall not receive compensation or travel reimbursement for serving on the task force.

(e) The task force is attached to the department of commerce and insurance for administrative purposes.

(f) By January 15, 2023, the task force shall report its findings and recommendations to the general assembly at which time this section is repealed and the task force ceases to exist.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 374**SENATE BILL NO. 1315**

**By Hensley, Bowling, Bailey, Haile, Pody, Reeves, Rose, Stevens,
White**

Substituted for: House Bill No. 1276

By Griffey; Mr. Speaker Cameron Sexton; Doggett, White, Hulsey, Garringer, Ragan, Zachary, Parkinson, Powers, Sherrell, Ogles, Smith, Moody, Williams, Todd, Terry, Alexander, Curcio, Helton, Garrett, Cepicky, Warner, Boyd

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4; Title 8; Title 16 and Title 17, relative to the "Tennessee Election Integrity Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-5-207]

SECTION 1. This act is known and may be cited as the "Tennessee Election Integrity Act."

[2-5-207]

SECTION 2. Tennessee Code Annotated, Section 2-5-207(b), is amended by deleting the subsection and substituting instead the following:

(1) On the front or back of paper ballots shall be conspicuously printed the words, "Official Ballot for (General),__ __ Party Primary Election," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and the names of the members of the county election commission holding the election. The size of the print shall not be less than ten (10) point font.

(2) Except for ballots authorized by state or federal law to be delivered electronically to qualified voters who are entitled to vote by absentee ballot, all absentee ballots must include a watermark approved by the coordinator of elections. The watermark must be easily discernible for verification purposes by the absentee counting board.

[2-5-207]

SECTION 3. Tennessee Code Annotated, Section 2-5-207(e), is amended by deleting the subsection and substituting instead the following:

(e) The county election commission of each county shall prepare a sample ballot of all candidates and submit this sample ballot to the coordinator of elections for approval. The absentee sample ballot must contain a watermark approved by the coordinator of elections. The sample ballots provided to the public pursuant to § 2-5-211 shall not contain the approved watermark. A ballot shall not be printed or funds expended therefor by any county until such approval has been granted.

PUBLIC CHAPTER NO. 374 (cont'd)

[2-6-202]

SECTION 4. Tennessee Code Annotated, Section 2-6-202(9), is amended by deleting the language "This signature verification is the final verification necessary before the counting board counts the ballots."

[2-6-304]

SECTION 5. Tennessee Code Annotated, Section 2-6-304(c), is amended by deleting the subsection and substituting instead the following:

(c) The counting board official shall then open the sealed absentee ballot envelopes, remove the absentee ballots, verify that the absentee ballots contain the approved watermark required under § 2-5-207(b), and count and record the absentee ballot votes and the early voting ballot votes. Any absentee ballot without the approved watermark must be rejected, unless the ballot was authorized by state or federal law to be delivered electronically. The absentee ballot must be marked "Rejected" across its face with the reason for rejection written on it, signed by each official who rejected it, and placed in a container of rejected absentee ballots. In no event may the votes for any candidate be totaled until after all polls in the county are closed.

[Effective date 1/1/2022]

SECTION 6. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 375**SENATE BILL NO. 1337****By Hensley, Pody, Rose**

Substituted for: House Bill No. 1547

By Weaver, Reedy, Moody, Todd

AN ACT to amend Tennessee Code Annotated, Title 4; Title 36; Title 37 and Title 71, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[36-1-148]

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, Part 1, is amended by adding the following as a new section:

The department shall not require an individual or members of the individual's household to undergo an immunization as a condition of adopting unless the child is under eighteen (18) months of age or has significant documented medical needs that would necessitate the caregiver or members of the caregiver's household being immunized.

[37-2-419]

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following as a new section:

The department of children's services shall not require an individual or members of the individual's household to undergo an immunization as a condition of overseeing a child in foster care under this chapter unless the child is under eighteen (18) months of age or has significant documented medical needs that would necessitate the caregiver or members of the caregiver's household being immunized.

[Effective date 5/11/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 376**SENATE BILL NO. 1339****By Hensley, Crowe, Robinson**

Substituted for: House Bill No. 915

By Hawk, Helton, Camper

AN ACT to amend Tennessee Code Annotated, Section 62-4-109, relative to the practice of aesthetics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[62-4-109]

SECTION 1. Tennessee Code Annotated, Section 62-4-109, is amended by adding the following as a new subsection:

(c) Notwithstanding this chapter, a licensed aesthetician may perform cosmetic microneedling if performed under the supervision of a physician licensed pursuant to title 63, chapter 6 or 9.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 377**SENATE BILL NO. 1343****By Gardenhire**

Substituted for: House Bill No. 1266

By Ragan, Moody

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-714]

SECTION 1. Tennessee Code Annotated, Section 49-5-714(a), is amended by deleting the language “shall be the same as if the LEA had workers’ compensation” and substituting the language “must comply with the personal injury rules of the state board of education”.

[49-5-714]

SECTION 2. Tennessee Code Annotated, Section 49-5-714(b), is amended by designating the existing language as subdivision (b)(1) and adding the following language as a new subdivision:

(2) As used in this subsection (b), “full benefits”:

(A) Means the benefits the teacher was receiving from the LEA when the teacher was placed on leave due to the teacher’s personal injury; and

(B) Does not include the teacher’s full salary.

[49-5-714]

SECTION 3. Tennessee Code Annotated, Section 49-5-714, is amended by deleting subsection (c) and substituting instead the following:

(c) An LEA is not required to provide the benefits authorized in this section for more than one (1) year.

(d) This section shall not be construed to discourage, diminish, invalidate, or supersede any LEA’s policy, benefit package, or contract providing greater benefits or leave for teachers injured in the course of employment activities.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 378**SENATE BILL NO. 1345****By Gardenhire**

Substituted for: House Bill No. 1443

By Vaughan

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-409]

SECTION 1. Tennessee Code Annotated, Section 49-5-409, is amended by deleting subsection (a) and substituting:

(a) Teachers in service and under the control of the public elementary or high schools of this state may continue in such service unless written notice is sent to the teacher from the teacher's board of education or director of schools, as appropriate, of the teacher's dismissal or failure of reelection.

[49-5-409]

SECTION 2. Tennessee Code Annotated, Section 49-5-409(b), is amended by deleting the word "received" and substituting the word "sent".

[49-5-409]

SECTION 3. Tennessee Code Annotated, Section 49-5-409, is amended by adding the following as new subsections:

() Written notice sent by a board of education or director of schools in accordance with this section must be sent by certified mail or overnight carrier to the teacher's physical mailing address on record with the LEA, or transmitted via electronic mail to the email address used by the LEA to communicate with the teacher.

() As used in this section, "last instructional day" means the last day of the school year on which students are required to report to school.

[Effective date 5/11/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 379**SENATE BILL NO. 1370****By Bell, Bowling, Stevens**

Substituted for: House Bill No. 1252

By Faison, Moody, Tim Hicks, Lamberth, Griffey, Rudd, Littleton, Smith, Lynn, Weaver, Grills, Hall, Hurt, Jerry Sexton, Reedy, Leatherwood, White

AN ACT to amend Tennessee Code Annotated, Title 20 and Title 29, relative to torts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[29-34-212]

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section:

29-34-212.

(a) There is no cause of action for wrongful birth on behalf of any person based on a claim that, but for an act or omission of the defendant, a person once conceived would not or should not have been born.

(b) There is no cause of action for wrongful life on behalf of any person based on a claim that, but for an act or omission of the defendant, the person would not have been conceived or, once conceived, would or should have been aborted.

(c) For the purposes of this section, a person is deemed to be conceived at the moment of fertilization, as that term is defined in § 39-15-213.

[20-5-106]

SECTION 2. Tennessee Code Annotated, Section 20-5-106(d), is amended by deleting the subsection and substituting:

(d) As used in this section, the word “person” includes an unborn child at any stage of gestation in utero.

[Effective date 5/11/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 380**SENATE BILL NO. 1392****By Bowling**

Substituted for: House Bill No. 577

By Ragan, Haston, Smith, Moody, Todd, Alexander, Howell

AN ACT to amend Tennessee Code Annotated, Title 4; Title 37; Title 49; Title 63; Title 68 and Section 71-5-133, relative to human reproduction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-1304]

SECTION 1. Tennessee Code Annotated, Section 49-6-1304(b)(4), is amended by deleting the subdivision and substituting:

(4) Distribute contraception on school property; provided, however, that medically accurate information about contraception and condoms that is consistent with public policy may be provided so long as the information is:

(A) Presented in a manner consistent with this part and that clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk;

(B) Reviewed and approved by the local board of education or charter school governing body, prior to the information being used by the LEA or public charter school in a family life curriculum, to ensure that it is:

(i) Medically accurate;

(ii) Age appropriate;

(iii) In compliance with this part; and

(iv) Aligned to academic standards in this state; and

(C) Provided, upon request, to a parent of a student attending a school in the LEA or charter school, to allow the parent to review the information and to opt the parent's student out of receiving the information as part of a family life curriculum, without penalty.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 381**SENATE BILL NO. 1437****By Akbari, Campbell, Yarbrow**

Substituted for: House Bill No. 545

By Dixie, Hardaway, Miller, Gloria Johnson, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 5, relative to release on parole.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-35-503]

SECTION 1. Tennessee Code Annotated, Section 40-35-503, is amended by deleting the language “defendant’s” wherever it appears and substituting instead the language “incarcerated individual’s”; and is further amended by deleting the language “defendant” wherever it appears and substituting instead the language “incarcerated individual”.

[40-35-503]

SECTION 2. Tennessee Code Annotated, Section 40-35-503(d)(1), is amended by deleting the subdivision and substituting instead the following:

Within one (1) year prior to an incarcerated individual’s release eligibility date, an employee of the department of correction shall meet with the incarcerated individual to create a release plan. The board of parole shall conduct a hearing within a reasonable time prior to or upon the individual’s release eligibility date to determine the individual’s fitness for parole.

[Effective date 5/11/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 382**SENATE BILL NO. 1520****By Roberts**

Substituted for: House Bill No. 1540

By Weaver, Sherrell, Miller

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 8, relative to public pensions and retirement benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-34-607]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 34, Part 6, is amended by adding the following as a new section:

Any member of the Tennessee consolidated retirement system may obtain creditable service for prior service while a participating member of a city, metropolitan government, county, utility district, or other political subdivision retirement system by notifying the board of trustees of the Tennessee consolidated retirement system and the board of trustees of the city, metropolitan government, county, utility district, or other political subdivision retirement system. Upon receiving the notice, the board of trustees of the city, metropolitan government, county, utility district, or other political subdivision retirement system shall transfer to the Tennessee consolidated retirement system board all employer and employee contributions made by or on behalf of the member, together with regular interest thereon. Upon receipt of the funds, the member must be credited with the years of service, not to exceed the years of actual service, as the amount will warrant without creating any unfunded actuarially accrued liability.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 383**SENATE BILL NO. 1532****By Roberts**

Substituted for: House Bill No. 854

By Helton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 67, relative to property taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-5-1005]

SECTION 1. Tennessee Code Annotated, Section 67-5-1005(a)(1), is amended by deleting the language "March 1" and substituting instead the language "March 15".

[67-5-1006]

SECTION 2. Tennessee Code Annotated, Section 67-5-1006(a)(1), is amended by deleting the language "March 1" and substituting instead the language "March 15".

[67-5-1007]

SECTION 3. Tennessee Code Annotated, Section 67-5-1007(b)(1), is amended by deleting the language "March 1" and substituting instead the language "March 15".

[67-5-1008]

SECTION 4. Tennessee Code Annotated, Section 67-5-1008(d)(3), is amended by deleting the language "The assessor may void the rollback assessment, if it is determined that the assessment was imposed in error, except there shall be no refund of rollback taxes that have been collected at the request of a buyer or seller at the time of the sale" and substituting instead the language "The assessor may void the rollback assessment, if it determined that the assessment was imposed in error".

[Effective date 5/11/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 384**SENATE BILL NO. 1573****By Bailey, Briggs, Jackson, Pody, Walley**

Substituted for: House Bill No. 37

By Ogles, Griffey, Warner, Hulse, Moody, Cochran, Leatherwood, Todd,
Littleton, Smith, Terry, Alexander, Tim Hicks

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7;
Title 50, Chapter 1, Part 2; Title 58 and Title 68, relative to the right to
work.

WHEREAS, it is the public policy of this state that each person has the
right to work, and that each job in this state is essential to the wellbeing of this
state's citizenry and the economy of this state; and

WHEREAS, it is the public policy of this state that there must not be two
classifications of citizens in this state, those deemed essential workers and
those deemed nonessential workers; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[50-1-209]

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 2, is
amended by adding the following as a new section:

50-1-2__.

(a) This section shall be known as "The Essential Workers Act."

(b) Notwithstanding any law to the contrary, a local governmental
entity or the executive head of a local government shall not, by
executive order, ordinance, or resolution, create categories or classes
of nonessential businesses, trades, professions, or industries for the
purpose of suspending lawful commerce, encumbering trade, or denying
citizens the right to work if such activities are otherwise lawful in this
state, unless an explicit order of the local fire marshal or a court of
competent jurisdiction declares that the business operating poses a
clear and present danger to the citizenry of this state.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 385**SENATE BILL NO. 1584****By Bailey, Powers, Rose**

Substituted for: House Bill No. 1230

By Sherrell, Whitson

AN ACT to amend Tennessee Code Annotated, Section 70-2-104, relative to licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[70-2-104]

SECTION 1. Tennessee Code Annotated, Section 70-2-104(a)(4)(A), is amended by deleting the subdivision and substituting the following:

(A) Permanent sport combination hunting and fishing license upon payment of a one-time ten-dollar (\$10.00) fee to those residents of this state who are permanently restricted to wheelchairs or who have suffered an amputation of seventy-five percent (75%) or more of a lower limb. The director shall accept as evidence for the purposes of this section a certificate from a physician licensed to practice medicine in this state certifying that the applicant meets the requirements of this section with reference to permanent restriction to a wheelchair or having suffered an amputation of seventy-five percent (75%) or more of a lower limb; or

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 386**SENATE BILL NO. 1590****By Bailey**

Substituted for: House Bill No. 187

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 20 and Title 55, Chapter 10, Part 4, relative to alternative facilities for DUI offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-10-402]

SECTION 1. Tennessee Code Annotated, Section 55-10-402(f)(2)(B), is amended by designating the current language as subdivision (i) and adding the following new subdivision (ii):

(ii) A local governmental entity is immune from liability for a cause of action or claim for damages arising out of a person's participation in a private appropriately licensed substance abuse treatment program approved by the court as an alternative facility under this subdivision (f)(2)(B).

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 387

HOUSE BILL NO. 25

By Representatives Todd, Griffey, Garrett, Grills, Doggett, Calfee,
Williams, Reedy, Haston, Moody, Smith

Substituted for: Senate Bill No. 1148

By Senators White, Jackson, Powers, Roberts, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 39, relative to justification of force.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-11-622]

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting subsection (b) and substituting instead the following:

(b) As used in this section:

(1) "Defendant" means a person who uses or threatens to use force against another and asserts that the force used or threatened is permitted by §§ 39-11-611 - 39-11-614 or § 29-34-201; and

(2) "Plaintiff" means the person, personal representative, or heirs of a person against whom force was used or threatened who files a civil action against the defendant that is based upon the same facts or set of events that resulted in the use or threatened use of force.

(c)

(1) If a criminal investigation or criminal proceeding is conducted based upon the defendant's use or threatened use of force, a civil action that is based upon the defendant's use or threatened use of force or the results of the defendant's use or threatened use of force may not proceed until the conclusion of the criminal investigation or criminal proceeding, if a stay of the proceedings is requested by the defendant. If the defendant requests a stay of proceedings and the court determines that a relevant criminal investigation or criminal proceeding is ongoing, the court shall grant a stay of proceedings until the conclusion of the criminal investigation or criminal proceeding.

(2) A criminal investigation or criminal proceeding shall be deemed concluded if:

(A) The charge or charges against the defendant are dismissed or retired based on the merits of the case;

(B) A no true bill is returned by a grand jury on the charge or charges against the defendant;

(C) A verdict is returned, whether by the judge following a bench trial or by a jury; or

(D) The defendant is arrested and released without being charged and the district attorney general or chief officer of the

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investigating law enforcement agency provides the court with written notification that the defendant will not be charged with an offense or the investigation is no longer actively occurring.

(d) If a plaintiff files a civil action against a defendant based upon the same facts or set of events that resulted in the use or threatened use of force, then the defendant may assert in any responsive pleading or by motion in writing pursuant to the Rules of Civil Procedure that:

(1) The defendant's use of force or threatened use of force was justified and permitted by §§ 39-11-611 - 39-11-614 or § 29-34-201;

(2) The defendant has immunity from civil liability pursuant to this section;

(3) Because of the defendant's immunity from civil liability, the claim does not state a cause of action upon which relief can be granted; and

(4) The defendant requests a hearing to determine if the civil action should be dismissed for this reason.

(e)

(1) If a hearing is requested, or ordered upon the court's own motion, the court shall expedite the hearing and hear the matter and issue a decision within forty (40) days of the hearing being requested or ordered. Either party may request additional time beyond the forty-day period to prepare, in which case the court shall order, for good cause shown, that the hearing be reset on the first docket following the time period granted for the stay.

(2) From the time the hearing is ordered, all aspects of and procedures relating to the civil action shall be stayed.

(3) All applicable parties shall be given notice and may appear and present evidence at the hearing. The sole issue at the hearing is whether the defendant used force or threatened the use of force in a manner permitted by §§ 39-11-611 - 39-11-614 or § 29-34-201 and is therefore immune from civil liability pursuant to this section.

(4) The burden of proof at the hearing is initially on the defendant to present sufficient admissible evidence to fairly raise the issue of whether the use of force was justified under §§ 39-11-611 - 39-11-614 or § 29-34-201. If the court finds that the permissible use of force has been fairly raised, a presumption of immunity is created and the burden of proof shifts to the plaintiff to demonstrate that civil liability is not barred by this section.

(5)

(A) If the court determines by a preponderance of evidence that the defendant's use of force or threatened use of force was justified under §§ 39-11-611 - 39-11-614 or § 29-34-201, the court shall dismiss the civil action with prejudice for failure to state a claim upon which relief can be granted and may issue other orders consistent with the defendant's immunity from civil liability conferred by subsection (a).

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(B) If the court determines that the defendant is not entitled to immunity from civil liability under this subsection (e), the action shall remain stayed pursuant to subdivision (c)(1). Once the criminal investigation or criminal proceeding is concluded and the stay is lifted, the civil action may continue. The defendant is not precluded from asserting at any other point in the civil action that the use of force was justified.

(f) If the court dismisses the civil action pursuant to subdivision (e)(5)(A) or otherwise determines that the defendant is entitled to immunity from civil liability under this section, the court shall award the defendant attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of the civil action.

[Effective date 7/1/2021]

SECTION 2. This act shall take effect July 1, 2021, the public welfare requiring it, and shall apply to civil actions filed on or after that date.

PUBLIC CHAPTER NO. 388

HOUSE BILL NO. 201

By Representatives Alexander, Littleton

Substituted for: Senate Bill No. 244

By Senator Crowe

AN ACT to amend Tennessee Code Annotated, Section 57-4-102, relative to consumption of alcoholic beverages on premises.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-4-102]

SECTION 1. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivisions:

() "Community theater" also means a municipally owned facility that:

(i) Is a historic theater located off West Main Street;

(ii) Has an auditorium with not less than three hundred (300) seats;

(iii) Is used for theatrical performances, musical events, storytelling performances, workshops and conferences, and independent films;

(iv) Is located in a municipality having a population of not less than five thousand fifty (5,050) nor more than five thousand fifty-nine (5,059), according to the 2010 federal census or any subsequent federal census; and

(v) Is located in a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent federal census;

() "Community theater" also means a facility that:

(i) Is leased long-term by a municipality;

(ii) Contains not less than one hundred thirty (130) seats;

(iii) Is governed by a nonprofit board of directors;

(iv) Is operated under the direction of a municipality's staff;

(v) Is located in a municipality having a population of not less than five thousand fifty (5,050) nor more than five thousand fifty-nine (5,059), according to the 2010 federal census or any subsequent federal census; and

(vi) Is located in a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor

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more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent federal census;

[57-4-102]

SECTION 2. Tennessee Code Annotated, Section 57-4-102(18), is amended by adding the following new subdivision:

() "Historic interpretive center" also means a facility that:

- (i) Is owned by a municipality;
- (ii) Is leased to an international storytelling center that is registered as a nonprofit 501(c)(3) organization;
- (iii) Has a theater that contains not less than ninety (90) seats;
- (iv) Contains two (2) rooms with not less than one hundred (100) seats in each room;
- (v) Is located in a municipality having a population of not less than five thousand fifty (5,050) nor more than five thousand fifty-nine (5,059), according to the 2010 federal census or any subsequent federal census; and
- (vi) Is located in a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent federal census;

[57-4-102]

SECTION 3. Tennessee Code Annotated, Section 57-4-102(20), is amended by adding the following new subdivisions:

() "Historic performing arts center" also means a facility that:

- (i) Is owned and operated by a municipality;
- (ii) Serves as a comprehensive art center with classes, art shows, and performances;
- (iii) Seats not less than two hundred (200) persons on a flat floor;
- (iv) Is located in a municipality having a population of not less than five thousand fifty (5,050) nor more than five thousand fifty-nine (5,059), according to the 2010 federal census or any subsequent federal census; and
- (v) Is located in a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent federal census;

() "Historic performing arts center" also means a facility that:

- (i) Is owned by a municipality;
- (ii) Has an auditorium that contains not less than two hundred fifty (250) seats;

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(iii) Serves as an information source for visitors;

(iv) Is located in the municipality's historic district;

(v) Is located in a municipality having a population of not less than five thousand fifty (5,050) nor more than five thousand fifty-nine (5,059), according to the 2010 federal census or any subsequent federal census; and

(vi) Is located in a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent federal census;

[Effective date 5/11/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 389**HOUSE BILL NO. 212**

By Representatives Clemmons, Windle, Hardaway, Freeman, Gloria Johnson, Hazlewood, Camper, Beck

Substituted for: Senate Bill No. 634

By Senators Kyle, Akbari, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6, relative to bleeding control kits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-2-137]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new section:

(a) For purposes of this section, “bleeding control kit” means a first aid response kit that contains:

(1) One (1) tourniquet endorsed by the United States department of defense’s committee on tactical combat casualty care;

(2) One (1) compression bandage;

(3) One (1) bleeding control bandage;

(4) Protective gloves;

(5) One (1) marker;

(6) Scissors; and

(7) Instructional materials developed by:

(A) The United States department of homeland security, as part of the department’s “Stop the Bleed” campaign; or

(B) Bleeding control materials developed by the American College of Surgeons Committee on Trauma.

(b) Beginning with the 2021-2022 school year, each LEA may develop and implement a “Stop the Bleed” program in consultation with local law enforcement. The program may be implemented in each school and must require:

(1) At least one (1) bleeding control kit to be placed in an easily accessible location within the school as determined by the school after consulting with local law enforcement;

(2) Bleeding control kits to be included in the district-level safety plans and building-level emergency response plans developed pursuant to chapter 6, part 8 of this title;

(3) All LEA employees to receive training on how to use a bleeding control kit;

(4) Annual:

PUBLIC CHAPTER NO. 389 (cont'd)

(A) Inspection of each bleeding control kit; and

(B) School presentations demonstrating where to locate, and how to use, the items contained in a bleeding control kit; and

(5) School officials to replace, as necessary, any expired or missing materials, supplies, or equipment required for a bleeding control kit under subsection (a).

(c)

(1) An LEA or school that implements a "Stop the Bleed" program as authorized in subsection (b) is not civilly liable for any personal injury that results from an act or omission of an individual to control bleeding using a bleeding control kit, and that does not amount to willful or wanton misconduct or gross negligence, if the "Stop the Bleed" program developed by the LEA and implemented in the school complies with the requirements of subsection (b).

(2) An employee of the LEA is not civilly liable for any personal injury that results from an act or omission of the employee to control bleeding using a bleeding control kit, and that does not amount to willful or wanton misconduct or gross negligence, if the "Stop the Bleed" program developed by the LEA and implemented in the school complies with the requirements of subsection (b).

(3) Misuse or abuse of a bleeding control kit on school property by a student is disorderly conduct and subjects the student to disciplinary action.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 390**HOUSE BILL NO. 240**

**By Representatives Ramsey, Griffey, Moon, Carr, Russell, Hardaway,
Eldridge, Smith, Jernigan, Love, Hodges, Powers, Dixie**

Substituted for: Senate Bill No. 489

By Senators Swann, Bowling, Akbari

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 9, Part 1; Title 49, Chapter 8 and Title 49, Chapter 11, relative to programs to reduce recidivism.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[5-9-114]

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 9, Part 1, is amended by adding the following as a new section:

(a) A county may agree, for a determinate period of time, pursuant to an interlocal agreement entered into under § 12-9-104, that relates to the joint development or operation of a transition center.

(b) Any amounts contributed to the transition center pursuant to subsection (a) are revenues of the transition center that may be used for any lawful purpose of the transition center.

(c) A transition center may partner with a nonprofit organization that provides programming designed to reduce recidivism.

(d) As used in this section, "transition center" means a local correctional facility that assists inmates' crossover from jail or prison life to productive citizenship through the use of phases and a series of programs and services designed to equip and empower inmates to make life changes in order to reduce recidivism. The local correctional facility must be operated in accordance with § 41-4-140.

[Effective date 1/1/2022]

SECTION 2. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 391**HOUSE BILL NO. 368****By Representatives Williams, Hardaway**

Substituted for: Senate Bill No. 1598

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to confidential records of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(4), is amended by adding the following new subdivisions:

() A record of a minor student attending an institution of secondary or elementary education that is created by a school resource or other law enforcement officer, or that is maintained by a law enforcement agency as the result of an incident involving the minor that occurred on school property and did not result in a charge of delinquency is confidential and not open to public inspection unless:

(i) The person requesting the information obtains consent from the minor's parent or guardian;

(ii) The request is made subject to a court order; or

(iii) A law enforcement officer of another jurisdiction requests the record when necessary for the discharge of the law enforcement officer's official duties.

() Subdivision (a)(4)(_) is terminated July 1, 2026.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 392**HOUSE BILL NO. 471****By Representative White**

Substituted for: Senate Bill No. 1157

By Senator Kelsey

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, relative to dual enrollment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-930]

SECTION 1. Tennessee Code Annotated, Section 49-4-930(a), is amended by adding the following as a new subdivision:

(3) "Eligible postsecondary institution" means:

(A) A postsecondary institution that is an eligible postsecondary institution under § 49-4-902; or

(B) A private, nonprofit technical school that:

(i) Has had its primary campus domiciled in this state for at least seventy-five (75) consecutive years;

(ii) Is accredited by the Council on Occupational Education; and

(iii) In addition to offering diploma, certificate, and associate degree programs, offers a baccalaureate degree through an articulation agreement with a regionally accredited postsecondary institution.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to students seeking postsecondary financial aid for the 2021-2022 academic year and each academic year thereafter.

PUBLIC CHAPTER NO. 393**HOUSE BILL NO. 505**

**By Representatives Moon, Gant, Lamberth, Williams, Helton,
Freeman, Todd**

Substituted for: Senate Bill No. 1406

By Senators Powers, Yager, Swann, Stevens

AN ACT to amend Tennessee Code Annotated, Title 6; Title 8 and Title 9,
relative to municipal finances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[9-4-504]

SECTION 1. Tennessee Code Annotated, Section 9-4-504, is amended by
adding the following as a new subsection:

(g)

(1) Notwithstanding subsection (b) to the contrary, a qualified
public depository that accepts any public deposit between May 1, 2021,
and December 31, 2022, that would increase its collateral by twenty-
five percent (25%) shall deposit additional collateral to secure such
increase within ten (10) calendar days of the deposit.

(2) This subsection (g) is repealed on January 1, 2023.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 394**HOUSE BILL NO. 512**

By Representatives Gant, Lamberth, Faison, Terry, Grills, Todd, Moody, Crawford, Eldridge, Weaver, Zachary, Littleton, Doggett, Cepicky, Reedy, Holsclaw, Curtis Johnson, Griffey, Hawk, Haston, Farmer, Garringer, Curcio, Hazlewood, Halford, Tim Hicks, Rudd, Moon, Bricken, Russell, Wright, Hardaway, Windle, Warner, Powers, Sherrell, Smith, Hurt, Whitson, Gillespie, Ragan, Boyd

Substituted for: Senate Bill No. 842

By Senators Johnson, Crowe, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, Chapter 35, relative to sentencing of attempted first degree murder.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-202]

SECTION 1. Tennessee Code Annotated, Section 39-13-202, is amended by redesignating subsection (d) as subsection (e) and inserting the following new subsection (d):

(d) Notwithstanding § 39-12-107, a person convicted of attempted first degree murder may be sentenced to imprisonment for life without possibility of parole if the court finds the person committed the offense against any law enforcement officer, correctional officer, department of correction employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic, or firefighter, who was engaged in the performance of official duties, and the person knew or reasonably should have known that the victim was a law enforcement officer, correctional officer, department of correction employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic, or firefighter engaged in the performance of official duties.

[40-35-501]

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is amended by deleting subdivision (h)(3) and substituting instead the following:

(3) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for first degree murder, attempted first degree murder, or aggravated rape of a child.

[Effective date 7/1/2021]

SECTION 3. This act shall take effect July 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

PUBLIC CHAPTER NO. 395

HOUSE BILL NO. 534

By Representatives Howell, Curcio, Griffey, Whitson, Sherrell,
Hardaway, Ogles, White, Smith, Moody, Hazlewood, Miller, Hodges,
Williams

Substituted for: Senate Bill No. 627

By Senator Bell

AN ACT to amend Tennessee Code Annotated, Title 33; Title 37 and Title 39,
Chapter 16, Part 5, relative to school violence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-16-517]

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is
amended by adding the following as a new section:

39-16-517.

(a) As used in this section:

(1) "Mass violence" means any act which a reasonable person
would conclude could lead to the serious bodily injury, as defined in §
39-11-106, or the death of two (2) or more persons;

(2) "Means of communication" means direct and indirect
verbal, written, or electronic communications, including graffiti,
pictures, diagrams, telephone calls, voice over internet protocol calls,
video messages, voice mails, electronic mail, social media posts, instant
messages, chat group posts, text messages, and any other recognized
means of conveying information;

(3) "School" means any public or private elementary school,
middle school, high school, college of applied technology, postsecondary
vocational or technical school, or two-year or four-year college or
university; and

(4) "School property" means any school building or bus, school
campus, grounds, recreational area, athletic field, or other property
owned, used, or operated by any local education agency, private school
board of trustees, or directors for the administration of any school.

(b) A person who recklessly, by any means of communication,
threatens to commit an act of mass violence on school property or at a
school-related activity commits a Class A misdemeanor.

(c) As a condition of bail or other pretrial release, the court may,
in its discretion, order the defendant to undergo an evaluation, under
§ 33-7-301, to determine whether the defendant poses a substantial
likelihood of serious harm to the person or others.

(d)

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(1) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity shall report the threat immediately to:

(A) The local law enforcement agency with jurisdiction over the school property or school-related activity; and

(B) The school that is subject to the threat of mass violence.

(2) The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person making the threat, the facts requiring the report, and any other pertinent information.

(3) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class B misdemeanor.

(e) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under subsection (b) to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

[37-1-114]

SECTION 2. Tennessee Code Annotated, Section 37-1-114(c)(1), is amended by adding the following new subdivision:

(C) A threat of mass violence on school property, as prohibited by § 39-16-517. The court may order a child held under this subdivision (c)(1)(C) to undergo a mental health evaluation under § 37-1-128(e) if appropriate;

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 396**HOUSE BILL NO. 559****By Representatives Marsh, Smith, Hall, Kumar**

Substituted for: Senate Bill No. 1264

By Senator Reeves

AN ACT to amend Tennessee Code Annotated, Title 4; Title 63 and Title 68, relative to certified medical assistants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-11-244]

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Ambulatory outpatient hospital clinic" means a clinic or physician office that is owned and operated by a hospital licensed under this title and that provides treatment to patients who are not admitted as inpatients to the hospital;

(2) "Certified medical assistant" means personnel with training to function in an assistive role to a licensed physician or licensed nurse in the provision of patient care activities in a facility used as an ambulatory outpatient hospital clinic as delegated by the physician or licensed nurse; and

(3) "Licensed nurse" means an individual engaged in the practice of professional nursing as defined in § 63-7-103 or an advanced practice registered nurse as defined in § 63-7-126.

(b) Physician assistants licensed under title 63, chapter 19 and medication aides certified under § 63-7-127 are not subject to the certification requirements or practice restrictions of this section.

(c) A hospital licensed under this title, may employ certified medical assistants to administer approved medications to the hospital's patients in an ambulatory outpatient hospital clinic as set forth in this section.

(d) When carrying out responsibilities under this section, a certified medical assistant shall wear a name tag visible to others that displays the designation "certified medical assistant".

(e) An individual employed as a certified medical assistant within an ambulatory outpatient hospital clinic must:

(1) Be at least eighteen (18) years of age;

(2) Have completed the twelfth grade or its equivalent, or have successfully passed the test for and received a general equivalency diploma; and

(3) Be certified by the following:

PUBLIC CHAPTER NO. 396 (cont'd)

- (A) American Medical Technologists (AMT);
- (B) American Association of Medical Assistants (AAMA);
- (C) National Center for Competency Testing (NCCT);
- (D) National Healthcareer Association (NHA); or
- (E) National Association for Health Professionals (NAHP).

(f) An ambulatory outpatient hospital clinic shall verify compliance with subsection (e) and shall keep records regarding compliance available for the board for licensing healthcare facilities.

(g) An ambulatory outpatient hospital clinic is responsible for training and verifying competence of certified medical assistants used under this section.

(h) Certified medical assistants shall not administer medications to hospital inpatients or patients in an emergency department.

(i)

(1)

(A) A certified medical assistant may administer approved, standardized dosage vaccines to the patients of an ambulatory outpatient hospital clinic that use certified medical assistants pursuant to this section. A certified medical assistant shall administer other medications only pursuant to delegation by a licensed nurse or physician.

(B)

(i) A delegation of medication administration or other nursing tasks to a certified medical assistant from a licensed nurse shall be carried out in accordance with the rules for nursing delegation adopted by the board of nursing.

(ii) The board of nursing may promulgate rules related to the administration of vaccines and other tasks that may be delegated by a licensed nurse to certified medical assistants under this chapter.

(C)

(i) A delegation of medication administration or other tasks to a certified medical assistant from a physician must be carried out in accordance with the rules adopted by the board of medical examiners.

(ii) The board of medical examiners may promulgate rules related to the administration of vaccines and other tasks that may be delegated by a physician to certified medical assistants registered by the department under this chapter.

(D) A certified medical assistant may only administer vaccines after:

(i) An individual is assessed by a physician or licensed nurse; and

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(ii) The physician or licensed nurse makes a determination that it is appropriate for the individual to receive the immunization administered by a certified medical assistant.

(2) In exercising the authority to administer medications pursuant to a physician's or licensed nurse's delegation, a certified medical assistant may administer only those medications that have been ordered by an authorized healthcare provider and are in single-dose, appropriately labelled, ready-to-administer packaging, including the following categories:

- (A) Intramuscular or subcutaneous medications;
- (B) Oral, sublingual, and buccal medication;
- (C) Topical creams and ointments;
- (D) Saline solutions for simple wound irrigation;
- (E) Eye drops;
- (F) Inhalation treatments, either metered hand-held inhalants or unit dose nebulizers;
- (G) Ear medications; or
- (H) Nasal medications.

(3) A certified medical assistant may engage in other patient care activities as delegated by a physician or licensed nurse, including, but not limited to, vital sign measurement, phlebotomy, simple dressing changes, collection of patient's medical history data, or preparation of patient care areas. A licensed nurse shall not delegate patient care activities that require nursing judgment in altering care delivery based on the needs of the individual. A physician shall not delegate patient care activities that constitutes the practice of medicine or requires diagnostic analysis.

(j) A physician or licensed nurse shall not delegate to a certified medical assistant the administration of:

- (1) Intravenous medications;
- (2) Blood or blood products;
- (3) Investigational drugs;
- (4) Chemotherapy drugs;
- (5) Drugs given through an implanted device;
- (6) Insulin;
- (7) Controlled substances;
- (8) Anesthetic agents;
- (9) Medications used for cosmetic procedures;
- (10) A medication requiring calculation of dosage;
- (11) Contrast media;
- (12) Allergy antigen agents; or

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(13) A medication requiring patient monitoring and assessment of response when a licensed nurse or physician is not immediately available to provide monitoring or assessment.

(k) This section does not apply to personnel employed by a physician performing duties in settings other than in an ambulatory outpatient hospital clinic.

[Effective date 5/11/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 397

HOUSE BILL NO. 771

By Representatives Lamberth, Gant, Haston, Parkinson, Hardaway,
Doggett, Lynn, Howell, Weaver, Terry, Tim Hicks, Camper, Miller,
Thompson

Substituted for: Senate Bill No. 752

By Senators Johnson, Bailey, Akbari, Powers, Reeves, Rose, Stevens, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 50, relative to
apprenticeships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[T. 50, ch. 11; 50-11-101; 50-11-102; 50-11-103; 50-11-104; 50-11-105; 50-11-
106]

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding
the following as a new chapter:

50-11-101. Short title.

This chapter is known and may be cited as the "Tennessee
Registered Apprenticeship Program Act."

50-11-102. Chapter definitions.

As used in this chapter:

(1) "Apprentice" means a worker who:

(A) Is at least sixteen (16) years of age; and

(B) Is employed to learn an apprenticeable occupation as
defined in 29 CFR 29.4;

(2) "Apprenticeship":

(A) Means a program for the recruitment, selection,
employment,

and training of apprentices that is developed pursuant 29
CFR Parts 29 and 30, and the rules of the office of apprenticeship; and

(B) Includes a youth apprenticeship;

(3) "Apprenticeship agreement" means a written agreement
between an apprentice and a sponsor that contains the terms and
conditions of the apprentice's employment and training consistent
with 29 CFR 29.7 and this chapter;

(4) "Apprenticeship council" means the Tennessee
apprenticeship council established pursuant to § 50-11-105;

(5) "Apprenticeship intermediary" means an entity that
provides required technical instruction to an apprentice;

(6) "Cancellation" means the termination of the registration of
a pre-apprenticeship or apprenticeship at the request of the sponsor;

(7) "Commissioner" means the commissioner of labor and workforce development;

(8) "Deregistration" means termination of the registration of a pre-apprenticeship or apprenticeship by the office of apprenticeship;

(9) "Employer" means a person employing an apprentice;

(10) "Office of apprenticeship" means the Tennessee office of apprenticeship established pursuant to § 50-11-103;

(11) "On-the-job training" means training provided by an employer that:

(A) Is provided to a paid apprentice who is engaged in productive work in an occupation, and the work provides knowledge or skills essential to the full and adequate performance of the occupation;

(B) Is made available through an apprenticeship that provides reimbursement to the employer of up to fifty percent (50%) of the apprentice's wage rate for the purpose of covering the employer's costs of providing the training and additional supervision related to the training, except as provided in 29 U.S.C. § 3174(c)(3)(H); and

(C) Is limited in duration as appropriate to the occupation for which the apprentice is being trained, based on the content of the training, the apprentice's prior work experience, and the apprentice's service strategy, as appropriate;

(12) "Pre-apprenticeship" means a program or set of services, in partnership with a registered apprenticeship program, designed to prepare individuals to enter and succeed in a registered apprenticeship program;

(13) "Required technical instruction" means an organized and systematic form of instruction, other than on-the-job training, that:

(A) Is designed to provide an apprentice with knowledge of the subjects related to the apprentice's occupation; and

(B) Is given in a classroom, through occupational or industrial courses, through correspondence courses, or through other forms of self-study;

(14) "Sponsor" means a person operating a pre-apprenticeship or apprenticeship;

(15) "State registration agency" means the Tennessee agency responsible for registering pre-apprenticeships, apprenticeships, and apprentices, and for reviewing pre-apprenticeships and apprenticeships for compliance with state law and the state plan for equal employment opportunities; and

(16) "Youth apprenticeship" means an apprenticeship that is designed specifically for an apprentice under eighteen (18) years of age.

50-11-103. Creation of the office of apprenticeship.

(a) There is established the Tennessee office of apprenticeship within the department of labor and workforce development, which is Tennessee's state apprenticeship agency in accordance with 29 U.S.C.

§ 50, and 29 CFR Parts 29 and 30. The office of apprenticeship is established for the following purposes:

- (1) To serve as the state registration agency;
- (2) To establish labor standards necessary to safeguard the welfare of apprentices;
- (3) To establish rules regarding the registration of pre-apprenticeships, apprenticeships, and apprentices; and
- (4) To resolve disputes between parties to an apprenticeship agreement.

(b) The office of apprenticeship is operated by the commissioner or the commissioner's designee. The commissioner or the commissioner's designee may appoint a director for the office of apprenticeship. The director shall serve at the pleasure of the commissioner, manage the office of apprenticeship, and perform duties as are necessary to effectuate the intent of this chapter.

(c) No later than December 31, 2021, the commissioner or the commissioner's designee shall submit to the United States secretary of labor and the administrator of the national office of apprenticeship, an application to recognize the Tennessee office of apprenticeship as a state apprenticeship agency pursuant to 29 CFR 29.13(a)-(c).

50-11-104. Duties.

(a) The office of apprenticeship shall develop a nationally recognized state apprenticeship completion credential, as described in 29 CFR 29.5, for completing a registered apprenticeship program.

(b) The office of apprenticeship shall establish competency-based apprenticeship frameworks based on the regional and statewide compendia of valuable credentials.

(c) The office of apprenticeship may approve apprenticeship programs that are mandated by state or federal law as a result of the sponsor receiving funds or resources from the state, or funds or resources from the federal government, that require the creation of an apprenticeship program in accordance with a federal grant administered by this state.

(d) The commissioner may promulgate rules on behalf of the office of apprenticeship as necessary to effectuate the intent of this chapter pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A rule promulgated pursuant to this chapter must conform to the published apprenticeship guidelines in 29 CFR Parts 29 and 30.

(e) The office of apprenticeship shall consider advice provided by the apprenticeship council when completing the office's duties as set forth in this section.

(f) A sponsor may apply to register a pre-apprenticeship or apprenticeship with the office of apprenticeship. A registered apprenticeship must include, at a minimum:

- (1) On-the-job training from an employer;

(2) Related technical instruction from an apprenticeship intermediary; and

(3) The opportunity for an apprentice to earn a portable, nationally recognized industry credential.

(g) A sponsor of a registered pre-apprenticeship or registered apprenticeship is responsible for the administration and supervision of on-the-job training and related technical instruction for each apprentice in the registered pre-apprenticeship or registered apprenticeship.

50-11-105. Tennessee apprenticeship council.

(a) There is established the Tennessee apprenticeship council, which is an advisory council composed of individuals representing employer and employee organizations that are familiar with apprenticeable occupations.

(b) The apprenticeship council consists of eleven (11) members, as follows:

(1) The commissioner of labor and workforce development, or the commissioner's designee;

(2) The commissioner of education, or the commissioner's designee;

(3) The chancellor of the Tennessee board of regents, or the chancellor's designee;

(4) The executive director of the Tennessee higher education commission, or the executive director's designee;

(5) Three (3) members representing employer organizations, appointed by the governor, at least one (1) of whom represents a private sector employer organization and one (1) of whom represents a public sector employer organization;

(6) Three (3) members representing employee organizations, appointed by the governor, at least one (1) of whom represents a private sector employee organization and one (1) of whom represents a public sector employee organization; and

(7) One (1) member who is a public representative knowledgeable about apprenticeships and apprenticeable occupations, appointed by the governor.

(c) The terms for initial members begin on July 1, 2021. The terms of the initial eleven (11) appointments are three (3) years for three (3) members, four (4) years for four (4) members, and five (5) years for four (4) members, as designated by the governor in the governor's initial appointments. As the terms for the initial members expire, successors are appointed for five-year terms.

(d) Whenever a vacancy on the apprenticeship council exists, the governor shall appoint a member for the remainder of the unexpired term.

(e) The apprenticeship council shall:

(1) Advise the office of apprenticeship regarding the duties set forth in § 50-11-104; and

(2) Provide community outreach and education regarding the benefits of apprenticeship.

50-11-106. Activities not prohibited.

(a) This chapter does not:

(1) Require a sponsor of a pre-apprenticeship or apprenticeship to register with the office of apprenticeship;

(2) Affect funds duly distributed to a state agency, college or university, or other entity receiving state or federal funds in support of apprenticeship activities; or

(3) Affect the department of education's status as the eligible agency to receive and administer career and technical education funding under the federal Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2301 et seq.).

(b) The office of apprenticeship, with the consent of the sponsor, shall permit the apprenticeship intermediary to provide the required technical instruction and technical assistance, including the implementation of the competency frameworks established in § 50-11-104(b) that are aligned to the on-the-job training for apprenticeship programs registered or certified by the office of apprenticeship.

[50-11-101]

SECTION 2. The commissioner of labor and workforce development is authorized to promulgate rules on behalf of the office of apprenticeship to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. The headings to sections in this act are for references purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 5/11/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 398**HOUSE BILL NO. 777**

**By Representatives Lamberth, Gant, Cepicky, Sherrell, Hardaway,
Ogles, Tim Hicks, Leatherwood, Moody, White, Eldridge, Cochran,
Todd, Hurt, Garrett, Terry, Warner, Whitson**

Substituted for: Senate Bill No. 774

By Senators Johnson, Lundberg, White, Akbari, Briggs, Gardenhire, Hensley,
Massey, Pody

AN ACT to amend Tennessee Code Annotated, Title 49, relative to BEP funding
for the 2021-2022 school year.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-3-317]

SECTION 1. Tennessee Code Annotated, Section 49-3-317, is amended by
adding the following as a new subsection:

(e)

(1) If an LEA's BEP calculation for the 2021-2022 school year, inclusive of the state and local portions, generates a lower BEP calculation than was calculated for the 2020-2021 school year, then the LEA's BEP calculation for the 2021-2022 school year, inclusive of the state and local portions, must be equal to the LEA's BEP calculation for the 2020-2021 school year. The department shall compare an LEA's BEP calculation for the 2021-2022 school year with the LEA's BEP calculation for the 2020-2021 school year for purposes of this subdivision (e)(1) prior to any adjustments to the instructional salaries and wages and instructional benefits categories of the BEP in each respective year.

(2) The BEP calculation used in subdivision (e)(1) must only be used to determine an LEA's BEP funding for the 2021-2022 school year, and shall not be used in determining future BEP calculations.

(3) Subdivision (e)(1) only applies to LEAs in full compliance with state school attendance and truancy intervention laws as provided in chapter 6, part 30 of this title, and the state board of education's continuous learning plan rules, which require LEAs to track student attendance daily when students are participating in remote instruction. In tracking daily student attendance and compliance with state school attendance and truancy intervention laws, an LEA shall implement policies and procedures for the LEA to request and receive daily visual, verbal, or written confirmation of student participation in instructional time; determine excused versus unexcused student absences; and implement interventions to address student absences during remote instruction.

PUBLIC CHAPTER NO. 398 (cont'd)**[Effective date 5/11/2021]**

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 399**HOUSE BILL NO. 1062**

By Representatives Hawk, Howell, Curcio, Hardaway, Ramsey, Moon, Towns, Parkinson, McKenzie, Harris, Smith, Thompson, Hazlewood, Lamar, Gloria Johnson, Lynn, Jernigan, Powell, Camper, Clemmons, Hurt, Love

Substituted for: Senate Bill No. 1349

By Senators Gardenhire, Massey, Gilmore, Akbari, Campbell, Jackson, Kyle, Walley

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to the death penalty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-203]

SECTION 1. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subsection (a) and substituting:

(a) As used in this section, “intellectual disability” means:

- (1) Significantly subaverage general intellectual functioning;
- (2) Deficits in adaptive behavior; and
- (3) The intellectual disability must have manifested during the developmental period, or by eighteen (18) years of age.

[39-13-203]

SECTION 2. Tennessee Code Annotated, Section 39-13-203, is amended by adding the following as a new subsection:

(g)

(1) A defendant who has been sentenced to the death penalty prior to the effective date of this act and whose conviction is final on direct review may petition the trial court for a determination of whether the defendant is intellectually disabled. The motion must set forth a colorable claim that the defendant is ineligible for the death penalty due to intellectual disability. Either party may appeal the trial court's decision in accordance with Rule 3 of the Tennessee Rules of Appellate Procedure.

(2) A defendant shall not file a motion under subdivision (g)(1) if the issue of whether the defendant has an intellectual disability has been previously adjudicated on the merits.

[Effective date 5/11/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 400

HOUSE BILL NO. 1351

By Representatives Vaughan, Parkinson, McKenzie, Faison, Zachary, Gant, Howell, Williams, Curcio, Gillespie, Hardaway, Smith, Haston, Mannis, Camper, Lamar, Powell, Jernigan

Substituted for: Senate Bill No. 1000

By Senators Kelsey, Stevens, Akbari, Gilmore, Kyle, Robinson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 49, ch. 7, part 28; 49-7-2801; 49-7-2802]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding the following as a new part:

49-7-2801.

As used in this part, unless the context otherwise requires:

(1) "Athlete agent" has the same meaning as the term is defined in § 49-7-2102;

(2) "Athletic program" means an intercollegiate athletic program at an institution;

(3) "Institution" means a four-year public or private institution of higher education located in this state. "Institution" does not include an institution of higher education governed by the board of regents of the state university and community college system; and

(4) "Intercollegiate athlete" means a student who is enrolled in an institution and participates in an athletic program.

49-7-2802.

(a) An intercollegiate athlete at an institution may earn compensation for the use of the athlete's name, image, or likeness. Such compensation must be commensurate with the fair market value of the authorized use of the athlete's name, image, or likeness. To preserve the integrity, quality, character, and amateur nature of intercollegiate athletics and to maintain a clear separation between amateur intercollegiate athletics and professional sports, such compensation may not be provided in exchange for athletic performance or attendance at an institution and may only be provided by a third party.

(b)

(1) An institution, or an officer, director, or employee of the institution may not be involved in the development, operation, or promotion of a current or prospective intercollegiate athlete's name, image, or likeness, including actions that compensate or cause compensation to be provided to athletes.

PUBLIC CHAPTER NO. 400 (cont'd)

(2) A grant-in-aid for athletics, including the cost of attendance, awarded to an intercollegiate athlete by an institution does not constitute compensation for the purposes of this section.

(c) An entity whose purpose includes supporting or benefitting the institution or its athletic program may not compensate or cause compensation to be provided to a current or prospective intercollegiate athlete for the athlete's name, image, or likeness if the arrangement is contingent on the athlete's enrollment or continued participation at an institution.

(d) Intercollegiate athletes who earn compensation for the use of the athlete's name, image, or likeness must disclose any agreement and the terms of such agreement to the institution and file annual reports with the institution in which they are enrolled, at a time and in a manner designated by the institution. The report must include the identities of entities or persons who provide compensation to the intercollegiate athlete, the amount of compensation received from each person or entity, and any other information the institution deems relevant for determining such identities and compensation.

(e) An institution shall not adopt or maintain a rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness. Any compensation earned does not affect the intercollegiate athlete's grant-in-aid or athletic eligibility. To the extent that intercollegiate athletes receive need-based financial aid, an institution may adjust an intercollegiate athlete's need-based financial aid as a result of compensation earned for the athlete's name, image, or likeness in the same manner as the institution would for other students with equivalent levels of financial need.

(f) An institution may adopt reasonable time, place, and manner restrictions to prevent an intercollegiate athlete's name, image, or likeness activities from interfering with team activities, the institution's operations, or the use of the institution's facilities.

(g)

(1) An institution may prohibit an intercollegiate athlete's involvement in name, image, and likeness activities that are reasonably considered to be in conflict with the values of the institution.

(2) An institution may prohibit use of the institution's intellectual property, including, but not limited to, its trademarks, trade dress, and copyrights, by the institution's intercollegiate athletes in the athletes' personal name, image, and likeness activities.

(3) Intercollegiate athletes are prohibited from involvement in name, image, or likeness activities that promote gambling, tobacco, alcohol, and adult entertainment.

(h) An intercollegiate athlete may obtain representation by a third party, including, but not limited to, an athlete agent, for the purpose of securing compensation for the use of the athlete's name, image, or

PUBLIC CHAPTER NO. 400 (cont'd)

likeness. Any third-party representative of an intercollegiate athlete under this part shall be a fiduciary for the represented intercollegiate athlete. All athlete agents who represent intercollegiate athletes under this part for purposes of securing compensation for the use of the athlete's name, image, or likeness must be licensed under § 49-7-2104 and must satisfy the requirements of title 49, chapter 7, part 21. If the athlete's representative is an attorney who represents an intercollegiate athlete for purposes of securing compensation for the use of her or his name, image, or likeness, then the attorney must also be active and in good standing with the board of professional responsibility or equivalent entity in the state in which the attorney is licensed.

(i)

(1) No intercollegiate athlete or the athlete's representative may enter into an agreement for compensation for the use of the athlete's name, image, or likeness if the agreement conflicts or unreasonably competes with the terms of an existing agreement entered into by the institution the athlete attends.

(2) The institution asserting a conflict or unreasonable competition under this subsection must disclose the relevant terms of the institution's existing agreement that conflicts or unreasonably competes with the athlete's agreement to the intercollegiate athlete or the athlete's representative.

(j) Any agreement entered into by an intercollegiate athlete under eighteen (18) years of age for the use of the athlete's name, image, or likeness must be in accordance with title 50, chapter 5, part 2.

(k) An agreement for representation of an intercollegiate athlete or to compensate for the use of an intercollegiate athlete's name, image, or likeness may not be in effect any longer than the duration of the athlete's participation in an athletic program at an institution.

(I) Institutions shall conduct a financial literacy workshop for intercollegiate athletes during the athlete's first full-time term of enrollment. The workshop must cover, at a minimum, information related to the requirements of this part, budgeting, and debt management. An institution may contract with qualified persons or entities to conduct the workshop.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 1/1/2022]

SECTION 3. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 401**HOUSE BILL NO. 1437**

**By Representatives Gary Hicks, Cepicky, Beck, Zachary, White,
Faison, Parkinson, Williams, Hazlewood, Dixie, Love, Miller**

Substituted for: Senate Bill No. 1543

By Senators Johnson, Gilmore, Robinson, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to sports facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-103]

SECTION 1. Tennessee Code Annotated, Section 67-6-103(d)(1)(A)(i), is amended by deleting the language "football (National Football League or Canadian Football League, or its successors or assigns)," from the first sentence.

[67-6-103]

SECTION 2. Tennessee Code Annotated, Section 67-6-103(d)(1)(A), is amended by adding the following language as a new subdivision (ii) and renumbering existing subdivision (ii) and the remaining subdivisions accordingly:

(ii)

(a) In addition to the allocations provided in subdivision (d)(1)(A)(i), if there exists in a municipality a sports authority organized pursuant to title 7, chapter 67, and if that sports authority has secured a major league professional football franchise (National Football League or Canadian Football League, or its successors or assigns), and only if such municipality or any board or instrumentality of the municipality reimburses the state for any costs to reallocate apportionments of such tax revenue under this section, then an amount must be apportioned and distributed to the municipality equal to the amount of state tax revenue derived from the sale of admissions to all events occurring at the sports facility of the major league professional football franchise and also all sales of food, drinks, and merchandise sold on the premises of the sports facility in conjunction with those events, all parking charges, and all related services, all sales by the major league professional football franchise within the county in which the games take place of authorized franchise goods and products associated with the franchise's operations as a major league professional football franchise. The allocation of state tax revenue provided in this subdivision (d)(1)(A)(ii)(a) must continue so long as a major league professional football franchise (National Football League or Canadian Football League, or its successors or assigns) holds a lease on the sports facility; provided, however, that the following amounts are excluded from this allocation

to pay annual outstanding bonded debt repayment obligations through fiscal year 2029, or the date such existing bonded debt is repaid, whichever is sooner:

Fiscal Year 2022 \$3,700,000

Fiscal Year 2023 \$3,350,000

Fiscal Year 2024 \$3,500,000

Fiscal Year 2025 \$3,300,000

Fiscal Year 2026 \$3,300,000

Fiscal Year 2027 \$3,300,000

Fiscal Year 2028 \$3,200,000

Fiscal Year 2029 \$3,200,000

(b) Amounts apportioned and distributed to the municipality in accordance with subdivision (d)(1)(A)(ii)(a) must be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, to fund capital projects and the payment of debt service for capital projects at the sports facility of the major league professional football franchise, associated with the sports facility of the major league professional football franchise.

(c) In addition to the allocations provided in subdivision (d)(1)(A)(ii)(a), an amount must also be apportioned and distributed to the municipality equal to one-half (1/2) the amount of state tax revenue, exclusive of the revenue earmarked pursuant to subsection (c), derived from all sales in a designated area not exceeding one hundred thirty (130) acres contiguous to the sports facility and surrounding parking area of the major league professional football franchise; provided, that such acreage is not separated by a flowing navigable waterway. Such acreage must be designated by ordinance or resolution of the legislative body of the municipality in which the sports facility is located, and is subject to the approval of the commissioner of finance and administration. Such amounts distributed to the municipality are for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, to fund capital projects and the payment of debt service for capital projects at the sports facility of the major league professional football franchise, associated with the sports facility of the major league professional football franchise, or any onsite or offsite infrastructure necessary for the operation of the sports facility of the major league professional football franchise. Apportionment and distribution of state tax revenue pursuant to this subdivision (d)(1)(A)(ii)(c) must continue for a period of thirty (30) years after the issuance of the initial debt service to be underwritten by the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, or thirty-five (35) years from the effective date of this act, whichever is sooner;

provided, however, that the time periods provided in this subdivision (d)(1)(A)(ii)(c) are not affected by the prepayment or satisfaction of underwritten debt service prior to thirty (30) years after the issuance of the initial debt service as provided in this subdivision (d)(1)(A)(ii)(c). Thirty-six (36) months after the creation of such designated area, and continuing every thirty-six (36) months thereafter, the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority shall prepare and submit reports detailing the fiscal performance of the designated area to the finance, ways and means committees of the house of representatives and the senate and the department of finance and administration.

[67-6-103]

SECTION 3. Tennessee Code Annotated, Section 67-6-103(d)(1)(B), is amended by deleting the language of the subdivision, which presently reads:

In lieu of distribution to any municipality, amounts derived from a National Football League franchise shall be earmarked and allocated specifically and exclusively to the general fund. In all cases, any distribution to a municipality as provided for by this subsection (d) shall be limited to a period of thirty (30) years, which shall be concurrent with the time limitation established by subdivision (d)(2). Following the expiration of this thirty-year period, all amounts that would have otherwise been distributed to the municipality or retained in lieu of distribution shall be allocated as provided elsewhere without regard to this subsection (d).

and substituting instead the following new language:

Any distribution to a municipality as provided for by subdivision (d)(1)(A)(i) is limited to a period of thirty (30) years, which must be concurrent with the time limitation established by subdivision (d)(2). Following the expiration of this thirty-year period, all amounts that would have otherwise been distributed to the municipality or retained in lieu of distribution must be allocated as provided elsewhere without regard to subdivision (d)(1)(A)(i).

[67-6-103]

SECTION 4. Tennessee Code Annotated, Section 67-6-103(d)(2), is amended by deleting the language of the subdivision, which presently reads:

Any bonds issued relative to the construction of a sports facility shall not be issued for a term longer than thirty (30) years from the date the first game is played by the professional sports franchise in a municipality, as defined in subdivision (d)(1).

and substituting instead the following new language:

Any bonds issued relative to the construction of a sports facility for a sports franchise listed in subdivision (d)(1)(A)(i) shall not be issued for a term longer than thirty (30) years from the date the first game is played by the professional sports franchise in a municipality, as defined in subdivision (d)(1).

[67-6-712]

SECTION 5. Tennessee Code Annotated, Section 67-6-712(c)(1)(A), is amended by deleting the language "football (National Football League or Canadian Football League, or its successors or assigns)," from the first sentence.

[67-6-712]

SECTION 6. Tennessee Code Annotated, Section 67-6-712(c)(1), is amended by adding the following language as a new subdivision (B) and renumbering existing subdivision (B) and the remaining subdivisions accordingly:

(B)

(i) In addition to the allocations provided in subdivision (c)(1)(A), if there exists in a municipality a sports authority organized pursuant to title 7, chapter 67, and if that sports authority has secured a major league professional football franchise (National Football League or Canadian Football League, or its successors or assigns), and only if such municipality or any board or instrumentality of the municipality reimburses the state for any costs to reallocate apportionments of such tax revenue under this section, then an amount must be apportioned and distributed to the municipality equal to the amount of local tax revenue derived from the sale of admissions to all events occurring at the sports facility of the major league professional football franchise and also all sales of food, drinks, and merchandise sold on the premises of the sports facility in conjunction with those events, all parking charges, and all related services, all sales by the major league professional football franchise within the county in which the games take place of authorized franchise goods and products associated with the franchise's operations as a major league professional football franchise. The allocation of local tax revenue provided in this subdivision (c)(1)(B)(i) must continue so long as a major league professional football franchise (National Football League or Canadian Football League, or its successors or assigns) holds a lease on the sports facility. Such amounts are for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, to fund capital projects and the payment of debt service for capital projects at the sports facility of the major league professional football franchise, associated with the sports facility of the major league professional football franchise.

(ii) In addition to the allocation provided in subdivision (c)(1)(B)(i), an amount must also be apportioned and distributed to the municipality equal to one-half (1/2) the amount of local tax revenue derived from all sales in a designated area not exceeding one hundred thirty (130) acres contiguous to the sports facility and surrounding parking area of the major league professional football franchise; provided, that such acreage is not separated by a flowing navigable waterway. Such acreage must be designated by ordinance or resolution of the legislative body of the municipality in which the sports facility is located, and is subject to the approval of the commissioner of finance

and administration. Such amounts are for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, to fund capital projects and the payment of debt service for capital projects at the sports facility of the major league professional football franchise, associated with the sports facility of the major league professional football franchise, or any onsite or offsite infrastructure necessary for the operation of the sports facility of the major league professional football franchise. Apportionment and distribution of local tax revenue pursuant to this subdivision (c)(1)(B)(ii) must continue for a period of thirty (30) years after the issuance of the initial debt service to be underwritten by the sports authority, or comparable municipal agency formally designated by the municipality in accordance with title 7, chapter 67, or such other person as designated by the sports authority, or thirty-five (35) years from the effective date of this act, whichever is sooner; provided, however, that the time periods provided in this subdivision (c)(1)(B)(ii) are not affected by the prepayment or satisfaction of underwritten debt service prior to thirty (30) years after the issuance of the initial debt service as provided in this subdivision (c)(1)(B)(ii).

[67-6-712]

SECTION 7. Tennessee Code Annotated, Section 67-6-712(c)(2), is amended by deleting the language of the subdivision, which presently reads:

Any bonds issued relative to the construction of a sports facility shall not be issued for a term longer than thirty (30) years from the date the first game is played by the professional sports franchise in a municipality, as defined in subdivision (c)(1).

and substituting instead the following new language:

Any bonds issued relative to the construction of a sports facility for a sports franchise listed in subdivision (c)(1)(A) shall not be issued for a term longer than thirty (30) years from the date the first game is played by the professional sports franchise in a municipality, as defined in subdivision (c)(1).

[Effective date 7/1/2021]

SECTION 8. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 402**HOUSE BILL NO. 12**

By Representatives Hardaway, Griffey, Mitchell, Lamberth, McKenzie, Dixie, Love, Hakeem, Lamar, Parkinson, Miller, Cooper, Towns, Sparks, White, Calfee, Bricken, Alexander, Doggett, Moody, Windle, Faison, Beck, Carringer, Shaw, Camper, Hodges, Helton, Gillespie, Todd, Littleton, Clemmons, Hazlewood

Substituted for: Senate Bill No. 951

By Senators Kyle, Akbari, Rose

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3; Title 40, Chapter 11 and Title 40, Chapter 39, Part 2, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-312, 40-39-202]

SECTION 1. Sections 1 through 3 of this act are known and may be cited as "April's Law."

[39-17-312]

SECTION 2. Tennessee Code Annotated, Section 39-17-312(a), is amended by adding the following as a new subdivision:

(4) Engages in sexual contact, as defined in § 39-13-501, with a corpse.

[40-39-202]

SECTION 3. Tennessee Code Annotated, Section 40-39-202(20)(A), is amended by adding the following as a new subdivision:

() Sexual abuse of a corpse, under § 39-17-312(a)(4);

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to acts committed on or after that date.

PUBLIC CHAPTER NO. 403**HOUSE BILL NO. 79****By Representatives Lamberth, Gant, Ramsey**

Substituted for: Senate Bill No. 747

By Senators Johnson, Roberts

AN ACT to amend Tennessee Code Annotated, Section 4-5-325 and Section 63-1-144, relative to payment of expenses incurred during proceedings related to contested cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-325]

SECTION 1. Tennessee Code Annotated, Title 4-5-325, is amended by deleting the section and substituting instead the following:

(a)

(1) When a state agency issues a notice to a person, local governmental entity, board, or commission for the violation of a rule or statute and the notice results in a contested case hearing, at the conclusion of the contested case hearing, the hearing officer or administrative law judge may order the state agency to pay to the respondent the reasonable expenses incurred because of the notice, including a reasonable attorney's fee, if the hearing officer or administrative law judge determines that:

(A)

(i) The claims contained in the notice are not warranted by existing law nor by a nonfrivolous argument for the extension or modification of existing law; and

(ii) The claims contained in the notice do not have evidentiary support; or

(B) The state agency issued the notice to harass, cause unnecessary delay, or cause needless expense to the party issued the notice.

(2) Subdivision (a)(1) is not satisfied simply by a state agency failing to prevail against the respondent.

(3) If the hearing officer or administrative law judge orders the state agency to pay the respondent the reasonable expenses incurred, then the hearing officer or administrative law judge shall set forth in a written order the findings of facts and conclusions of law upon which the determinations are based.

(b) If a final decision in a contested case hearing results in a respondent seeking judicial review under § 4-5-322, then the judge conducting the review may, at the conclusion of the hearing, make the

PUBLIC CHAPTER NO. 403 (cont'd)

same findings and enter the same order as authorized by the hearing officer or administrative law judge pursuant to subsection (a).

(c) For purposes of this section:

- (1) "Notice" means a document required by § 4-5-307(b); and
- (2) "Respondent" means a party to whom a state agency issues a notice.

[63-1-144]

SECTION 2. Tennessee Code Annotated, Section 63-1-144, is amended by adding the following as a new subsection:

(c)

(1) In addition to the authority contained in this section, when a party seeks judicial review of a state agency decision under § 4-5-322 or the chancery court decision under § 4-5-323, then the court, or the board, committee, or council if the matter is remanded to the agency, upon finding that a sanction of the license or certificate holder is appropriate, may require the license or certificate holder to pay the actual and reasonable costs incurred by the division or agency for the judicial review, including costs for the time, travel, and lodging of the office of the attorney general, court reporter and transcript costs, and court costs. The order must reflect the maximum amount owed by the license or certificate holder for the judicial review.

(2) A chancery court shall not award costs pursuant to this subsection (c) unless the court determines that:

(A)

(i) The claims asserted in the petition for judicial review are not warranted by existing law nor by a nonfrivolous argument for the extension or modification of existing law; and

(ii) The claims asserted in the petition for judicial review do not have evidentiary support; or

(B) The license or certificate holder petitioned for judicial review to harass, cause unnecessary delay, or cause needless expense to the state or state agency.

[Effective date 5/12/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 404

HOUSE BILL NO. 573

By Representatives Ragan, Crawford

Substituted for: Senate Bill No. 1294

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, relative to the publishing of notice for meetings held under the Tennessee Governmental Entity Review Law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-104]

SECTION 1. Tennessee Code Annotated, Section 4-29-104(c), is amended by deleting the subsection and substituting the following:

Notice of the time and place of the public hearing must be posted on the general assembly website at least seven (7) days prior to the hearing.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 405

HOUSE BILL NO. 619

By Representatives Rudder, Helton, Smith, Cepicky, Mitchell, Terry, Gary Hicks, Hazlewood, Kumar, Thompson, Hawk, Bricken, Lamar, White, Freeman, Gillespie, Curtis Johnson, Carr, Littleton, Hodges, Rudd, Powers, Hall, Sherrell, Carringer, Parkinson, Eldridge, Moody, Todd

Substituted for: Senate Bill No. 1397

By Senators Swann, Reeves, White, Akbari, Rose

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 7, relative to pharmacy benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-7-3201]

SECTION 1. Tennessee Code Annotated, Section 56-7-3201, is amended by adding the following as new subdivisions:

() "Cost sharing requirement" means a copayment, coinsurance, deductible, or annual limitation on cost sharing, including, but not limited to, a limitation subject to 42 U.S.C. §§ 18022(c) and 300gg-6(b), required by, or on behalf of, an enrollee in order to receive a specific healthcare service covered by a health plan, including a prescription drug, whether under the medical or the pharmacy benefit;

() "Generic alternative" means a drug that is designated to be therapeutically equivalent by the United States food and drug administration's Approved Drug Products with Therapeutic Equivalence Evaluations;

() "Prescription drug" means a drug that under federal or state law is required to be dispensed only pursuant to a prescription order or is restricted to use by individuals authorized by law to prescribe drugs;

[56-7-3205]

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a) When calculating an enrollee's contribution to an applicable cost sharing requirement, an insurer shall include cost sharing amounts paid by the enrollee or on behalf of the enrollee by another person.

(b) Subsection (a) does not apply to a prescription drug for which there is a generic alternative, unless the enrollee has obtained access to the brand name prescription drug through prior authorization, a step therapy protocol, the insurer's exceptions and appeals process, or as specified in § 53-10-204(a).

PUBLIC CHAPTER NO. 405 (cont'd)**[Effective date 7/1/2021]**

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to health plans entered into, executed, issued, amended, delivered, or renewed on or after that date.

PUBLIC CHAPTER NO. 406**HOUSE BILL NO. 670**

**By Representatives Freeman, Hardaway, Parkinson, Love, Camper,
Powell, Dixie**

Substituted for: Senate Bill No. 807

By Senators Yarbrow, Gilmore

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 3, Part 5,
relative to child care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[71-3-519]

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 5, is
amended by adding the following as a new section:

71-3-519.

The commissioner shall designate a specific departmental staff
person to serve, in addition to the staff person's other duties, as a
liaison to provide an official, uniform message to child care providers,
community stakeholders, department child care staff, and partner
agencies, using all appropriate channels of communication.

[Effective date 5/12/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 407**HOUSE BILL NO. 682****By Representatives Beck, Freeman, Camper**

Substituted for: Senate Bill No. 1026

By Senators Briggs, Gilmore, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, Part 1, relative to consumption of alcoholic beverages on the premises of a historic performing arts center.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-4-102]

SECTION 1. Tennessee Code Annotated, Section 57-4-102(20)(B)(ii), is amended by deleting the last two sentences of the subdivision and substituting instead the following:

The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (20)(B). Alcoholic beverages and beer may be stored, sold, and consumed in any interior area on the premises, and in any contiguous or non-contiguous exterior area on the premises designated by temporary or permanent barriers and signage. The licensee must adhere to the following license fee schedule relative to on-premise consumption of alcoholic beverages:

(a) The licensee must pay the appropriate license fee assessed for historic performing arts centers under § 57-4-301(b)(1)(D); and

(b) The premises of a facility licensed under this subdivision (20)(B) that maintains a restaurant that is physically separate from the music hall, with its own kitchen, menu of prepared food, and patron seating, must also pay the appropriate restaurant license fee pursuant to § 57-4-301(b)(1)(R) to serve alcoholic beverages; provided, however, that such facility applying for a renewal of its license under this subdivision (20)(B) must pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross revenue from the previous year derived from prepared food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;

[57-4-102]

SECTION 2. Tennessee Code Annotated, Section 57-4-102(20)(B), is amended by adding the following new subdivisions:

() The center was originally constructed in 1892 as a religious facility;

PUBLIC CHAPTER NO. 407 (cont'd)

() The center is approximately one thousand two hundred fifty feet (1,250') southwest of a public park that is adjacent to a navigable waterway;

() The center is approximately seven hundred twenty-five feet (725') northwest of a public park that contains a walkway recognizing professionals in the music industry;

[Effective date 5/12/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 408

HOUSE BILL NO. 723

**By Representatives Hakeem, Miller, Shaw, Chism, Thompson, Towns,
Hardaway, Lamar, Parkinson, Camper, Clemmons, Freeman**

Substituted for: Senate Bill No. 643

By Senators Robinson, Campbell, Gilmore

AN ACT to amend Tennessee Code Annotated, Title 36; Title 37; Title 38; Title 39; Title 40 and Title 71, relative to victims of human trafficking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-1-408]

SECTION 1. Tennessee Code Annotated, Section 37-1-408(a), is amended by redesignating the existing subsection as subdivision (a)(1) and adding the following as a new subdivision:

(2) The department of children's services shall publish the guidelines as provided in this subsection on the department's website.

[Effective date 5/12/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 409**HOUSE BILL NO. 784**

**By Representatives Lamberth, Gant, Curcio, Gillespie, Hardaway,
Moon, Parkinson, Ramsey, Faison, Freeman, Tim Hicks, Hazlewood,
Hodges, Thompson, Mannis**

Substituted for: Senate Bill No. 767

By Senators Johnson, Yager, Stevens, Akbari, Bailey, Gilmore, Haile,
Jackson, Reeves

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8, Chapter 4, Part 1; Section 16-3-810; Title 16, Chapter 22; Title 16, Chapter 3; Title 39; Title 40 and Title 41, relative to alternatives to incarceration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[16-22-103]

SECTION 1. Tennessee Code Annotated, Section 16-22-103, is amended by deleting subdivision (4)(A)(i)(c) and substituting:

(c) The person committed a felony involving the use of force against the person of another; or

[16-22-103]

SECTION 2. Tennessee Code Annotated, Section 16-22-103(4)(A), is amended by adding the following as a new subdivision:

() Is convicted of domestic assault under § 39-13-111;

[39-17-418]

SECTION 3. Tennessee Code Annotated, Section 39-17-418(c)(2)(B)(i), is amended by adding the language "or another licensed treatment program" after the word "services".

[39-17-418]

SECTION 4. Tennessee Code Annotated, Section 39-17-418(c)(2)(B)(ii), is amended by adding the language "or program" after the word "court".

[39-17-418]

SECTION 5. Tennessee Code Annotated, Section 39-17-418(c)(2)(B), is amended by adding the following as a new subdivision:

() For persons sentenced under subdivision (c)(2)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(2)(B) (i) instead of through confinement, unless the court determines the

person is not suitable for, or otherwise cannot participate in, such a court or program.

[40-11-115]

SECTION 6. Tennessee Code Annotated, Section 40-11-115(a), is amended by adding the following language at the end of the subsection:

If the magistrate orders that the person be released pending trial, then the magistrate shall impose the least restrictive conditions of release that will reasonably ensure the appearance of the person as required and the safety of the community.

[40-11-115]

SECTION 7. Tennessee Code Annotated, Section 40-11-115, is amended by deleting subsection (b) and substituting:

(b) In determining under subsection (a) whether or not a defendant shall be released, and if so, the least restrictive conditions of release that will reasonably ensure the appearance of the defendant as required and the safety of the community, the magistrate must consider any available results of a validated pretrial risk assessment conducted regarding the defendant for use in the jurisdiction and the defendant's financial resources. In making this determination, the magistrate may also consider:

- (1) The defendant's length of residence in the community;
- (2) The defendant's employment status;
- (3) The defendant's prior criminal record, including prior releases on recognizance or bail;
- (4) Whether, at the time of being charged with the offense, the defendant was on release pending trial, sentencing, or appeal in connection with another offense;
- (5) The nature of the offense, the apparent probability of conviction, and the likely sentence, insofar as these factors are relevant to the risk of nonappearance;
- (6) Any substance use or mental health issues that would be better addressed in a community-based treatment program; and
- (7) Any other factors indicating the defendant's ties to the community or bearing on the defendant's risk of willful failure to appear.

[40-11-115]

SECTION 8. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new subsection:

- (i) Any person charged only with a violation of § 55-50-504 whose driving privilege was cancelled, suspended, or revoked under § 40-24-105 solely because of a failure to pay litigation taxes, court costs, or fines assessed as a result of the disposition of any offense under the criminal laws of this state, and who does not have a prior conviction

for failure to appear under § 39-16-609 within the previous ten (10) years, must be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.

[40-35-104]

SECTION 9. Tennessee Code Annotated, Section 40-35-104, is amended by deleting subdivision (c)(9) and substituting:

(9) A community-based alternative to incarceration as a condition of probation, such as participation in a day reporting center program, a recovery and treatment program, or another appropriate community-based program. A defendant may be ordered to participate in a recovery and treatment program only if such a program is indicated by the results of a clinical assessment.

[40-35-104]

SECTION 10. Tennessee Code Annotated, Section 40-35-104, is amended by adding the following as a new subsection:

(f) The court shall strongly consider utilizing available and appropriate sentencing alternatives for any defendant who, as appropriately documented, including through a validated risk and needs assessment under § 40-35-207(a)(10), has a behavioral health need, such as a mental illness as defined in § 33-1-101, or is chemically dependent as defined in § 16-22-103. The court has sole discretion whether to utilize available sentencing alternatives under this subsection (f).

[40-36-106]

SECTION 11. Tennessee Code Annotated, Section 40-36-106(a)(1), is amended by adding the following new subdivisions:

(G) Persons who have not been convicted of a sexual offense under title 39, chapter 13, part 5;

(H) Persons who do not meet the definition of a sexual offender or violent sexual offender under § 40-39-202; and

(I) Persons who are not required to serve a sentence of community supervision for life under § 39-13-524.

[40-36-103]

SECTION 12. Tennessee Code Annotated, Section 40-36-103, is amended by deleting the section and substituting:

The purposes of this chapter are to:

(1) Establish a mechanism for using state funds to contract with local governments and qualified private entities to develop community-based alternatives to incarceration that provide a treatment-centered pathway for offenders, thereby reserving state penal institution, local jail, or workhouse bed space for other offenders;

(2) Facilitate the growth of treatment-centered pathways to alleviate geographical disparities in Tennessee with respect to the availability of such pathways available to judges at sentencing; and

(3) Reduce the number of felony offenders committed to state penal institutions, local jails, and workhouses for whom a treatment-centered pathway and appropriate evidence-based community supervision will result in less recidivism and more effective outcomes.

[40-36-104]

SECTION 13. Tennessee Code Annotated, Section 40-36-104(3), is amended by deleting the subdivision and renumbering the remaining subsections.

[40-36-104]

SECTION 14. Tennessee Code Annotated, Section 40-36-104, is amended by redesignating the current language as subsection (a) and adding the following as new subsections:

(b) Funds awarded under this chapter, including funds paid pursuant to contracts entered in accordance with this chapter, must not be used to supplant existing state or local government funds and must not be used for:

(1) Construction, renovation, or operation of local correctional facilities; provided, however, that this subdivision (b)(1) does not prohibit the use of such funds to expand jail-based programs for offenders sentenced to split confinement in conjunction with a sentence of probation under chapter 35 of this title;

(2) Construction, renovation, or operation of state facilities; or

(3) Salaries of state probation and parole officers.

(c) Administrative costs connected with the expenditure of funds awarded under this chapter shall not exceed a percentage amount established by the department of correction.

(d) Funding under this chapter shall be appropriated on an annual basis and any unspent moneys shall be returned to the department of correction to be used for reallocation to other programs administered by the department of correction as authorized under this chapter.

[40-36-105]

SECTION 15. Tennessee Code Annotated, Section 40-36-105(8), is amended by deleting the subdivision and substituting instead:

(8) The department of correction may conduct evaluations of funding recipients under this chapter, annually or as often as needed, to ensure accountability and to measure the efficiency of the community-based alternatives to incarceration conducted under this chapter, and contractors must participate in the evaluations. The form and methods of the evaluations must be determined by the department. Funding recipients under this chapter must substantially comply with the standards and administrative regulations of the department defining the effectiveness of a community-based alternative to incarceration

and must maintain, collect, and provide to the department, annually or as otherwise requested, any information required by the department for evaluation, which may include, but is not limited to:

(A) The number of individuals admitted to the community-based alternative to incarceration;

(B) The ratio of staff members to offenders;

(C) The number of successful completions of the community-based alternative to incarceration;

(D) The average time for an individual to successfully complete the community-based alternative to incarceration;

(E) The number of individuals in the community-based alternative to incarceration who have incurred a new arrest, new conviction, or revocation of a community correction sentence, including the type of arrest, conviction, or revocation and the underlying conduct resulting in the arrest, conviction, or revocation; and

(F) The average time an individual spends in the community-based alternative to incarceration before a new arrest, conviction, or revocation.

[39-13-704]

SECTION 16. Tennessee Code Annotated, Section 39-13-704(a), is amended by deleting the language "thirteen (13) members" and substituting the language "twelve (12) members" and by deleting subdivision (a)(7).

[40-35-303]

SECTION 17. Tennessee Code Annotated, Section 40-35-303(d), is amended by adding the following as a new subdivision:

() Participation in a day reporting center program, recovery and treatment program, or another appropriate community-based program;

[40-35-310]

SECTION 18. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "to any community-based alternative to incarceration authorized by chapter 36 of this title" and substituting "to a sentence of probation, including the condition of participating in a community-based alternative to incarceration as provided in § 40-35-104(c)(9)".

[40-35-503]

SECTION 19. Tennessee Code Annotated, Section 40-35-503(h), is amended by deleting the language ", as defined in § 40-36-102," and adding the following at the end of the subsection:

As used in this subsection (h), "nonviolent felony offense" means a felony offense that does not involve serious bodily injury, as defined in § 39-11-106, or death to a victim or bystander, does not involve threats reasonably calculated to produce such results, and does not involve

sexual contact or sexual penetration as those terms are defined in § 39-13-501.

[40-35-303]

SECTION 20. Tennessee Code Annotated, Section 40-35-303(c)(1), is amended by adding the following language at the end of the subdivision:

If the court imposes a period of probation for only one (1) conviction, then the period of probation shall not exceed eight (8) years, including instances where a period of probation is imposed after a period of confinement. If the court imposes a period of probation for more than one (1) conviction, then the total period of probation imposed shall not exceed ten (10) years.

[40-35-308]

SECTION 21. Tennessee Code Annotated, Section 40-35-308, is amended by deleting subsection (c) and substituting:

(c)

(1) Notwithstanding the actual sentence imposed under § 40-35-303(c), at the conclusion of a probation revocation hearing, the court shall have the authority to extend the defendant's period of probation supervision for a period not exceeding one (1) year upon determining on the record that:

(A) The defendant has repeatedly and intentionally failed to comply with court-ordered treatment programming;

(B) The defendant has intentionally violated the conditions of probation regarding contact with the victim or the victim's family; or

(C) The defendant has intentionally failed to comply with restitution orders despite having the ability to pay the restitution owed, and extending the period of probation would be more effective than other available options to ensure that the defendant pays the remaining amount of restitution owed.

(2) For each subsequent determination that the defendant has violated a provision or provisions of subdivision (c)(1), the court may extend probation for an additional period not exceeding one (1) year.

[40-35-310]

SECTION 22. Tennessee Code Annotated, Section 40-35-310, is amended by deleting subsection (a) and substituting:

(a) The trial judge shall possess the power, at any time within the maximum time that was directed and ordered by the court for the suspension, in accordance with § 40-35-311, to revoke the suspension. The trial judge may order the original judgment to be in full force and effect from the date of the revocation of the suspension and may give credit against the original judgment by the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation or a portion of that amount of time. If the trial judge revokes the suspension due to conduct by the

defendant that resulted in a conviction against the defendant during the defendant's period of probation, then the trial judge may order that the term of imprisonment imposed by the original judgment be served consecutively to any sentence that was imposed upon the conviction.

[40-35-310]

SECTION 23. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "restore the original judgment" and substituting "restore the original judgment, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation,".

[40-35-311]

SECTION 24. Tennessee Code Annotated, Section 40-35-311(d), is amended by designating the existing language as subdivision (1) and adding the following new subdivisions:

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke probation, whether temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

(3) As used in this subsection (d), "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding.

[40-35-311]

SECTION 25. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subsection (e) and substituting:

(e)

(1) If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant engaged in conduct that is a second or subsequent instance of a technical violation pursuant to subdivision (d)(2), then the trial judge may temporarily revoke the probation and suspension of sentence by an order duly entered upon the minutes of the court, and:

(A) Impose a term of incarceration not to exceed:

(i) Fifteen (15) days for a first revocation;

(ii) Thirty (30) days for a second revocation;

(iii) Ninety (90) days for a third revocation; or

(iv) The remainder of the sentence for a fourth or subsequent revocation; or

(B) Resentence the defendant for the remainder of the unexpired term to a sentence of probation that includes the condition of participating in a community-based alternative to incarceration as

provided in § 40-35-104(c)(9); provided, that the violation of probation and suspension is a technical violation and does not involve the commission of a new offense.

(2) If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant has committed a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding, then the trial judge may revoke the probation and suspension of sentence by an order duly entered upon the minutes of the court, and cause the defendant to commence the execution of the judgment as originally entered, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation.

(3) If the trial judge revokes a defendant's probation and suspension of sentence, then the defendant has the right to appeal.

SECTION 26. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[[Effective date 7/1/2021]]

SECTION 27. This act shall take effect July 1, 2021, the public welfare requiring it, and apply to court determinations made on or after that date.

PUBLIC CHAPTER NO. 410**HOUSE BILL NO. 785**

**By Representatives Lamberth, Gant, Curcio, Ramsey, Hardaway,
Moon, Freeman, White, Faison, Parkinson, Tim Hicks, Hodges,
Mannis, Gillespie, Jernigan, Chism, Thompson, McKenzie**

Substituted for: Senate Bill No. 768

By Senators Johnson, Stevens, Yager, Bowling, Akbari, Bailey, Gilmore,
Haile, Jackson, Reeves

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 12; Title 40; Title 41, Chapter 4; Title 41, Chapter 8; Title 49, Chapter 11; Title 49, Chapter 8; Title 55, Chapter 50 and Section 62-76-104, relative to offender reentry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-28-503]

SECTION 1. This act is known and may be cited as the "Reentry Success Act of 2021."

[40-28-503]

SECTION 2. Tennessee Code Annotated, Section 40-28-503(a), is amended by deleting the subsection and substituting:

(a) The board shall establish a policy governing attendance at board hearings and submission and use of victim impact statements and other impact statements. Copies of the policy shall be available upon request. The policy must govern:

(1) The requirement that those requesting notification of parole and parole revocation hearings keep the board advised of their current addresses and telephone numbers;

(2) Instructions for attending and participating in parole and parole revocation hearings, including instructions for submitting an impact statement video;

(3) The limitations on attendance as set forth in § 40-28-502;

(4) Reasonable limitations on oral presentations and videos;
and

(5) Information about board discretion to investigate victim impact statements and other impact statements.

[40-28-503]

SECTION 3. Tennessee Code Annotated, Section 40-28-503, is amended by adding the following as new subsections:

(c)

(1) The board shall establish a digital function that a victim or other impacted person may use to electronically submit an impact statement video to be considered at an inmate's parole or parole revocation hearing. The digital function must allow the victim or other impacted person to submit a video of the victim or other impacted person presenting an impact statement as otherwise permitted by this part. The board may impose reasonable restrictions regarding the length of impact statement videos.

(2) The digital function must allow a victim or other impacted person to indicate whether the victim or other impacted person would like the impact statement video to be resubmitted to any future parole or parole revocation hearings involving the same inmate and offense. If the victim or other impacted person indicates that the victim or other impacted person would like the video resubmitted to any future parole or parole revocation hearings involving the same inmate and offense, then the board shall consider the video at future hearings without further request from the victim or other impacted person. Prior to consideration at a subsequent hearing, the board shall notify the victim or other impacted person, in the same manner that notice is provided pursuant to § 40-28-505(b)(4), that the video will be considered at the hearing unless the victim or other impacted person informs the board, in writing or using the digital function, that the victim or other impacted person no longer wishes to have the video considered. A victim or other impacted person may inform the board at any time, in writing or using the digital function, that the victim or other impacted person no longer wishes to have a previously submitted video considered by the board. If a victim or other impacted person informs the board that the victim or other impacted person no longer wishes to have a previously submitted video considered by the board using the digital function, the digital function must provide the victim or other impacted person the opportunity to indicate whether the victim or other impacted person will be submitting a new impact statement video, and whether the victim or other impacted person is opposed to, in favor of, or indifferent to the granting or revoking of parole to the inmate.

(3) Any impact statement video is subject to the board's policies and rules governing the privacy of board records pursuant to §§ 40-28-119 and 40-28-503.

(d) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

[40-28-504]

SECTION 4. Tennessee Code Annotated, Section 40-28-504, is amended by deleting the section and substituting:

(a) The board shall accept and consider victim impact statements, including victim impact statement videos.

(b) Written victim impact statements and victim impact statement videos are confidential and must not be made available to the public.

(c) Assertions made in a victim impact statement may be investigated and verified by the board.

(d) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

[55-50-321]

SECTION 5. Tennessee Code Annotated, Section 55-50-321(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) The application fee required under subdivision (a)(1) is not required in the case of applications for restricted driver licenses under § 40-24-105(b).

[40-24-105]

SECTION 6. Tennessee Code Annotated, Section 40-24-105(b)(3)(D), is amended by deleting the language "and paying the application fee to the department".

[40-24-105]

SECTION 7. Tennessee Code Annotated, Section 40-24-105(b)(4)(B), is amended by deleting the language", together with an application fee of sixty-five dollars (\$65.00),".

[40-28-503]

SECTION 8. Tennessee Code Annotated, Section 40-24-105(b)(5)(E), is amended by deleting the language", together with an application fee of sixty-five dollars (\$65.00),".

[40-28-115]

SECTION 9. Tennessee Code Annotated, Section 40-28-115(i), is amended by deleting the second sentence and substituting instead:

However, the period set by the board shall not exceed six (6) years, unless the prisoner is serving a sentence for multiple convictions for first degree murder, pursuant to § 39-13-202, or facilitation of first degree murder, in which case the period set by the board shall not exceed ten (10) years.

[40-28-116]

SECTION 10. Tennessee Code Annotated, Section 40-28-116(b), is amended by deleting the period at the end of the subsection and substituting:

, except that the board shall not require a condition or limitation to be completed prior to release on parole unless the department of correction recommends completion of the condition or limitation prior to release on parole.

SECTION 11. Tennessee Code Annotated, Section 40-28-122(c)(1), is amended by deleting the subdivision and substituting:

(1) The board shall, within a reasonable time, act upon the charges, and may, if it sees fit:

(A) For a revocation of parole that does not involve a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding, require the prisoner to serve a term of incarceration not to exceed:

(i) Fifteen (15) days for the first revocation;

(ii) Thirty (30) days for the second revocation;

(iii) Ninety (90) days for the third revocation; or

(iv) The remainder of the sentence, for a fourth or subsequent revocation; or

(B) For a revocation of parole that involves a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding, require the prisoner to serve out in prison the balance of the maximum term for which the prisoner was originally sentenced, calculated from the date of delinquency, or such part thereof, as the board may determine, or impose a punishment as the board deems proper, subject to § 40-28-123.

[40-35-503]

SECTION 12. Tennessee Code Annotated, Section 40-35-503, is amended by adding the following as new subsections:

()

(1) Notwithstanding subsection (b), there is a presumption that an eligible inmate must be released on parole, except for good cause shown, upon the inmate reaching the inmate's release eligibility date or any subsequent parole hearing.

(2) For purposes of this subsection (), "eligible inmate" means an inmate who:

(A)

(i) Is currently serving a sentence for a Class E or Class D felony offense; or

(ii) Is currently serving a sentence for a felony that is not classified as a violent offense under § 40-35-120(b);

(B) Is determined to be low risk to reoffend or most appropriately supervised in the community under the most recent validated risk and needs assessment performed under § 41-1-126;

(C) Has successfully completed the programming recommended by the department of correction based on a validated risk

and needs assessment performed under § 41-1-126, or can complete any recommended programming while on parole supervision;

(D) Has not received a Class A or Class B disciplinary offense under department of correction policy within one (1) year of the inmate's parole hearing; and

(E) Has not been convicted of a violent sexual offense, as defined in § 40-39-202; sexual offense, as defined in § 40-24-108(b) or § 40-39-202; or sex offense, as defined in § 39-13-703.

(3) This subsection () does not eliminate or otherwise affect the requirements of subsection (c) or § 40-28-116(a)(2).

() Upon declining to grant parole in any case, the board must state in writing the reason for declining parole and how the inmate can improve the inmate's chance of being released on parole in the future.

[40-35-503]

SECTION 13. Tennessee Code Annotated, Section 40-35-503(b)(2), is amended by redesignating the current subdivision as subdivision (b)(2)(A) and adding the following language before the semicolon:

, except that the board's finding shall not be the sole basis for denying parole unless the individual is serving a sentence for any of the following offenses, in which case the board may deny parole for seriousness of the offense:

(i) First degree murder or an attempt to commit, solicitation of, or facilitation of first degree murder;

(ii) Second degree murder or an attempt to commit or facilitation of second degree murder;

(iii) Voluntary manslaughter;

(iv) Aggravated vehicular homicide;

(v) Vehicular homicide;

(vi) Especially aggravated kidnapping or an attempt to commit or facilitation of especially aggravated kidnapping;

(vii) Trafficking for a commercial sex act;

(viii) A human trafficking offense;

(ix) Advertising commercial sexual abuse of a minor;

(x) Especially aggravated robbery or an attempt to commit or facilitation of especially aggravated robbery;

(xi) Aggravated rape of a child or an attempt to commit or facilitation of aggravated rape of a child;

(xii) Aggravated rape or an attempt to commit or facilitation of aggravated rape;

(xiii) Rape of a child or an attempt to commit or facilitation of rape of a child;

(xiv) Rape:

(xv) Aggravated sexual battery:

- (xvi) Especially aggravated burglary;
- (xvii) Aggravated child abuse;
- (xviii) Aggravated sexual exploitation of a minor;
- (xix) Especially aggravated sexual exploitation of a minor;
- (xx) Aggravated vehicular assault;
- (xxi) Aggravated abuse of an elderly or vulnerable adult, or
- (xxii) Vehicular assault;

(B) If the board denies parole for the seriousness of the offense, then the board shall state in writing how the inmate can improve the inmate's chances of being released on parole at the inmate's next hearing

[40-35-503]

SECTION 14. Tennessee Code Annotated, Section 40-35-503(g), is amended by deleting the second sentence of the subsection.

[40-35-506]

SECTION 15. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

40-35-506.

(a) As used in this section, "eligible inmate" means an inmate who:

- (1) Is serving a felony sentence for an offense that occurred on or after July 1, 2021;
- (2) Is eligible for parole consideration;
- (3) Is calculated to have one (1) year or less remaining until expiration of all sentences that the inmate is serving or set to serve, or is calculated to reach the inmate's release eligibility date with less than one (1) year remaining until expiration;
- (4) Does not have an active detainer for new or untried charges or sentences to serve in other jurisdictions;
- (5) Has not been classified as maximum or close custody for disciplinary reasons in the previous two (2) years; and
- (6) If the inmate has previously had the inmate's probation or parole revoked, has served at least six (6) months since returning to custody after revocation of probation or parole.

(b)

(1) The department of correction shall determine whether an inmate is an eligible inmate. Notwithstanding § 40-35-503, an eligible inmate must be released on mandatory reentry supervision one (1) year prior to the inmate's sentence expiration date as calculated by the department or, if the inmate is not eligible for parole one (1) year prior to the inmate's sentence expiration date, upon reaching the inmate's release eligibility date. Upon release, an eligible inmate is subject to

mandatory reentry supervision until the inmate's sentence expiration date. The release must be under the terms and conditions established by the department of correction. The board of parole shall issue a certificate of mandatory reentry supervision to such offenders.

(2) Eligible inmates released on mandatory reentry supervision must be considered released on parole and must be supervised and subject to violations or revocation under chapter 28 of this title to the same extent as discretionary parolees. All provisions relative to imposition of graduated sanctions under chapter 28 of this title apply to eligible inmates released on mandatory reentry supervision.

(3) Upon the issuance of a violation warrant regarding an eligible inmate, the inmate does not earn credit toward completion of the sentence until the removal of the delinquency.

(4) Mandatory reentry supervision for eligible inmates is not a commutation of sentence nor any other form of executive clemency.

(c) Notwithstanding § 40-35-111, upon expiration of a sentence of confinement for a person who is not an eligible inmate, the inmate must be released and subject to mandatory reentry supervision for a period of one (1) year following the inmate's sentence expiration date under conditions to be prescribed by the department of correction. Noncriminal, technical violations of supervision conditions by ineligible inmates must not result in revocation of supervision or incarceration. The mandatory reentry supervision period must be calculated by the department of correction.

(d) Mandatory reentry supervision under this section constitutes release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government for purposes of § 40-35-114(13).

[40-35-210]

SECTION 16. Tennessee Code Annotated, Section 40-35-210, is amended by adding the following as a new subsection:

() When the court accepts a plea of guilty or nolo contendere or imposes a sentence on a defendant who has been convicted of a felony offense that occurred on or after July 1, 2021, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is not an eligible inmate as defined in § 40-35-506.

[40-29-109]

SECTION 17. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

40-29-108.

(a) A cause of action may not be brought against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor based solely

upon the fact that the employee or independent contractor has been previously convicted of a criminal offense.

(b) In a cause of action against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor, evidence that the employee or independent contractor has been previously convicted of a criminal offense is not admissible.

(c) Subsections (a) and (b) do not apply when:

(1)

(A) The employer or contracting party knew or reasonably should have known of the employee's or independent contractor's prior conviction; and

(B) The employee or independent contractor was previously convicted of:

(i) An offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment or under the contract, or under conditions substantially similar to those reasonably expected to be encountered in the employment or under the contract; or

(ii) A violent offense, as defined in § 40-35-120(b), or a violent sexual offense, as defined in § 40-39-202; or

(2)

(A) The cause of action concerns the misuse by an employee or independent contractor of the funds or property of a person other than the employer or contracting party;

(B) On the date the employee or independent contractor was hired, the employee or independent contractor had been previously convicted of an offense an element of which includes fraud or the misuse of funds or property; and

(C) The employer or contracting party should have reasonably foreseen that the position for which the employee or independent contractor was being hired would involve managing the funds or property of a person other than the employer or contracting party.

(d) This section does not create a cause of action or expand an existing cause of action.

[41-8-106]

SECTION 18. Tennessee Code Annotated, Section 41-8-106, is amended by adding the following as a new subsection:

(i)

(1) In addition to the reimbursement or compensation provided under subsection (c) and subdivision (g)(2), the department shall pay an accreditation stipend to eligible counties for each convicted felon housed by the county for which the county receives reimbursement or

compensation provided under subsection (c) and subdivision (g)(2), as provided in subdivision (i)(3).

(2) For purposes of this subsection (i):

(A) "Eligible county" means a county that applies to the department for the accreditation stipend and that the department determines meets the following eligibility criteria:

(i) The county houses convicted felons pursuant to a contract with the state or houses felons awaiting transfer to a state facility;

(ii) All felons housed by the county are administered a department-approved validated risk-needs assessment within forty-five (45) days of admission to the county facility;

(iii) The county provides evidence-based programming;

(iv) All felons housed by the county and deemed to be in good behavioral standing, as determined by facility policy, are eligible to participate in evidence-based programming that is matched to each felon's risks and needs and are not required to participate in programs not indicated as needed by the evidence-based risk and needs assessment;

(v) The county makes reasonable efforts to select evidence-based programming that fits the demonstrated needs of the county's felony offender population by serving a substantial portion of the felons, rather than a narrow subset of felons;

(vi) The county is compliant with, or is making reasonable efforts to comply with, the federal Prison Rape Elimination Act of 2003 (34 U.S.C. § 30301 et seq.); and

(vii) The county achieves tier 1 or tier 2 accreditation from the Tennessee corrections institute pursuant to subdivision (i)(3); and

(B) "Evidence-based programming" means a program or programs shown by scientific research to effectively reduce recidivism rates and increase an offender's likelihood of success following release from incarceration, including programs focused on education, vocational training, mental health, substance abuse rehabilitation, or building healthy relationships. The department shall maintain a resource information center webpage that provides resources regarding approved evidence-based programming.

(3)

(A) The amount of the accreditation stipend provided to eligible counties under this subsection (i), which is in addition to the amount set annually in the appropriations act for each convicted felon housed by the county for which the county receives reimbursement or compensation provided under subsection (c) and subdivision (g)(2), is:

(i) Three dollars (\$3.00) per day for each convicted felon housed by the county for which the county receives reimbursement or compensation under subsection (c) and subdivision (g)(2), if the county

has achieved tier 1 accreditation from the Tennessee corrections institute; and

(ii) Six dollars (\$6.00) per day for each convicted felon housed by the county for which the county receives reimbursement or compensation under subsection (c) and subdivision (g)(2), if the county has achieved tier 2 accreditation from the Tennessee corrections institute.

(B) For purposes of subdivision (i)(3)(A), the board of control of the Tennessee corrections institute shall determine tier 1 and tier 2 accreditation standards by rule. The rules must be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(C) In order to change the amount of reimbursement or compensation provided under subdivision (i)(3)(A), a county must achieve the accreditation tier warranting the change in the fiscal year prior to the fiscal year in which the change in reimbursement or compensation will occur and provide the department notice of the proposed change in reimbursement or compensation at least six (6) months prior to the proposed effective date of the change in reimbursement or compensation.

(4) In order to maintain the accreditation stipend, an eligible county must provide annual documentation to the department showing the percentage of the felons who enroll in the evidence-based programming and complete the programming in a timely manner. The department must determine whether that percentage is satisfactory based on the historical completion outcomes for the particular programming. The department shall establish the documentation and reporting requirements and provide the requirements to each eligible county receiving an accreditation stipend.

(5) A county's receipt of an accreditation stipend is conditioned upon the county maintaining eligibility and compliance with this subsection (i) warranting the stipend. If a county fails to maintain eligibility and compliance with this subsection (i) warranting the stipend, then the department may withhold stipend payments to the county or adjust the amount of such payments, as appropriate. In the case of material noncompliance or ineligibility under this subsection (i), as determined by the commissioner, the department may require the county to repay any stipend payments made to the county during the period of material noncompliance or ineligibility.

(6) After an accreditation stipend has been paid to a county for three (3) years, the department shall annually review the recidivism rates of felons housed in that county to determine whether the implementation of the programming has been effective in reducing recidivism rates. If the evidence-based programming at issue does not impact the recidivism rate by a satisfactory percentage, as determined by the department based upon the length of time that the programming has been utilized and the program's historical outcomes, then the department may require that the county develop a corrective

action plan that is satisfactory to the department in order to continue receiving the accreditation stipend.

(7) When implementing evidence-based programming for the felony offender population, an eligible county may implement more than one (1) evidence-based program.

(8) The office of criminal justice programs in the department of finance and administration shall provide information to eligible counties regarding federal grant dollars that may be available to support the implementation of evidence-based programming or other programs or projects to improve offender outcomes.

(9) A county shall not prohibit the county's misdemeanor offender population from participating in evidence-based programming when programming capacity remains following the enrollment of felons whose risks and needs correspond to the programming. The state is not responsible for any costs of incarceration or programming for misdemeanor offenders. However, misdemeanor offenders may utilize evidence-based programming capacity that has been paid for using the accreditation stipend provided under this subsection (i).

(10) The commissioner is authorized to promulgate rules to implement and effectuate this subsection (i), pursuant to the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

(11) Tennessee's community colleges, established pursuant to title 49, chapter 8, and Tennessee's colleges of applied technology, established pursuant to title 49, chapter 11, part 4, are authorized to assist counties with the development of evidence-based programming for felons housed by counties. A county may work with the department and the board of regents established in title 49, chapter 8, part 2, to develop and implement such programming.

[41-4-140]

SECTION 19. Tennessee Code Annotated, Section 41-4-140(a), is amended by adding the following as a new subdivision (4) and redesignating the current subdivision (a)(4) accordingly:

(4) Inspect local jails, lock-ups, and workhouses to determine whether a county merits tier 1 or tier 2 accreditation by the Tennessee corrections institute pursuant to § 41-8-106(i) and report such determination to the department of correction;

[49-8-205]

SECTION 20. Tennessee Code Annotated, Title 49, Chapter 8, Part 2, is amended by adding the following as a new section:

In addition to all other authorized functions of the community colleges and state colleges of applied technology within the board of regents, each institution is authorized to contract and partner with local governments for the purpose of providing educational and workforce development programs to assist with reducing recidivism rates of

criminal offenders held in local correctional facilities and improving opportunities for successful reentry upon release from incarceration.

[49-11-404]

SECTION 21. Tennessee Code Annotated, Section 49-11-404(a), is amended by adding the following as a new subdivision:

() Sheriffs department or other official or department charged with oversight of a county jail, lock-up, or workhouse for the purpose of developing reentry programs to effectively reduce the recidivism rate of criminal offenders and increase the likelihood of successful reintegration into society following release of individuals from incarceration.

[62-76-104]

SECTION 22. Tennessee Code Annotated, Section 62-76-104(b)(4), is amended by deleting the subdivision and substituting:

(4) In considering whether to deny an application for a license, certificate, or registration to an applicant pursuant to subdivision (b) (1), or whether to refuse to renew a license, certificate, or registration on the basis of a criminal conviction, the licensing authority must consider:

(A) The relationship between the nature of the crime and the purposes of regulating the occupation, profession, business, or trade;

(B) The relationship between the crime and the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation, profession, business, or trade;

(C) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against the relationship of crime to the occupation, profession, business, or trade; and

(D) Any applicable federal laws regarding an individual's participation in the occupation, profession, business, or trade.

[62-76-104]

SECTION 23. Tennessee Code Annotated, Section 62-76-104(b), is amended by deleting the language "subdivision (b)(4)(A)" wherever it appears and substituting "subdivision (b)(4)".

SECTION 24. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

[Effective date 5/12/2021]

SECTION 25. Sections 2 through 4 of this act take effect upon becoming a law for purposes of establishing the digital function for electronically submitting an impact statement video, and for all other purposes, take effect January 1, 2022, the public welfare requiring it. Sections 5 through 8 of this

act take effect July 1, 2021, the public welfare requiring it. Sections 9 through 15 of this act take effect July 1, 2021, the public welfare requiring it, and apply to parole determinations made on or after that date. Section 17 of this act takes effect upon becoming a law, the public welfare requiring it. Section 18 of this act takes effect upon becoming a law, the public welfare requiring it, for the purpose of promulgating rules, and for all other purposes, takes effect October 1, 2021, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 411

HOUSE BILL NO. 830

**By Representatives Kumar, Crawford, Haston, Grills, Hardaway,
Todd, Hazlewood, Chism, Powell, Ragan**

Substituted for: Senate Bill No. 831

By Senators Niceley, Bowling, Crowe, Gardenhire, Haile, Hensley, Jackson,
Lundberg, Massey, Pody, Powers, Reeves, Rose, Southerland, Stevens,
Walley, Yager

AN ACT to amend Tennessee Code Annotated, Title 43; Title 47, Chapter 18
and Title 55, relative to consumer protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[T. 47, ch. 18, part 31; 47-18-3101; 47-18-3102; 47-18-3103; 47-18-3104]

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended
by adding the following as a new part:

47-18-3101.

As used in this part:

(1) "Authorized dealer" means an individual, corporation, or
limited liability company authorized by a manufacturer or distributor
to sell, barter, or exchange a particular make of new farm machinery;

(2) "Clear title" means legal ownership free from a perfected
security interest or other perfected lien;

(3) "Comparable farm machinery" means an identical or
substantially similar replacement piece of farm machinery;

(4) "Consumer" means:

(A) A person who purchases or leases a piece of new farm
machinery for purposes other than resale; or

(B) A person entitled to enforce the obligations of a warranty
during the quality assurance period;

(5) "Distributor" means any person who sells or distributes
new and unused farm machinery to authorized dealers;

(6) "Express warranty" has the same meaning as described in §
47-2-313;

(7) "Farm machinery":

(A) Means self-propelled equipment or machinery primarily
designed and used for agricultural purposes purchased or leased by
a consumer for the first time from a manufacturer, distributor, or
authorized dealer; and

(B) Does not include an off-highway vehicle as defined in
§ 55-8-101 (12) and (13), an all-terrain vehicle as defined in § 55-8-
101(1), lawn tractors, or lawn mowers;

(8) "Full purchase price" means the cost paid by a consumer, including any collateral charge;

(9) "Manufacturer" means a person who manufactures, assembles, or imports new farm machinery;

(10) "Manufacturer's warranty" means a warranty given by the manufacturer of farm machinery against defects in the components and workmanship and a promise to cure defects;

(11) "Nonconformity" means any defect or condition affecting a piece of farm machinery that:

(A) Does not conform with the terms of an express warranty issued by a manufacturer to a consumer;

(B) Significantly impairs the use, value, or safe operation of the farm machinery; or

(C) Is not the result of abuse, neglect, or failure by a consumer to operate and maintain the farm machinery according to a manufacturer's operator manual or maintenance recommendations;

(12) "Person" means a natural person, partnership, corporation, association, trust, estate, or other legal entity;

(13) "Quality assurance period" means the earliest of the following:

(A) Twelve (12) months after the date of delivery of new farm machinery to a consumer;

(B) Twelve (12) months after the date of delivery of any comparable farm machinery to a consumer; or

(C) After the first six hundred (600) hours of operation of the farm machinery by a consumer;

(14) "Reasonable allowance for use" means an amount attributable to use by a consumer:

(A) Before the consumer's first report of a nonconformity to a manufacturer, distributor, or authorized dealer;

(B) During any period of use of the farm machinery subsequent to the first report of nonconformity if the farm machinery is not out of service by reason of repair of a reported nonconformity; or

(C) Of any comparable farm machinery provided by the manufacturer, distributor, or an authorized dealer to a consumer while the farm machinery purchased by the consumer is out of service for repair of a reported nonconformity, but not less than the fair lease value of the farm machinery;

(15) "Reasonable number of repair attempts" means:

(A) Three (3) attempts to repair the same nonconformity, the total cost of which equals at least thirty percent (30%) of the full purchase price of the farm machinery; or

(B) Five (5) attempts to repair any nonconformity, the total cost of which equals at least fifty percent (50%) of the full purchase price of the farm machinery; and

(16) "Seller":

(A) Means a person who sells, or contracts to sell, farm machinery at retail; and

(B) Includes an authorized dealer, distributor, or manufacturer.

47-18-3102.

(a) At the consumer's discretion, a manufacturer shall replace farm machinery with comparable farm machinery or accept return of the farm machinery from a consumer and refund to the consumer the full purchase price and related repair costs specific to the machinery, less a reasonable allowance for use and a reasonable offset for physical damage to the farm machinery caused by the consumer, if:

(1) The consumer provides written notice by certified mail to the manufacturer, distributor, or authorized dealer that a piece of farm machinery does not conform to an applicable express warranty or manufacturer's warranty during the quality assurance period;

(2) The nonconformity substantially impairs the use of the farm machinery; and

(3) The manufacturer, its agent, the distributor, or the authorized dealer cannot conform the farm machinery to an applicable express warranty or manufacturer's warranty after a reasonable number of repair attempts.

(b) The consumer shall furnish possession of the nonconforming farm machinery to the manufacturer, distributor, or authorized dealer at the time of a refund or replacement. If a refund is made, then the refund must be made to the consumer, and lien holder or holder of a security interest, if any, as their interest may appear. If a replacement is made, then a consumer, lien holder, or lessor shall furnish clear title to, and possession of, the farm machinery to the manufacturer, distributor, or authorized dealer.

47-18-3103.

It is an affirmative defense to a claim under this part that:

(1) A defect or condition does not substantially impair the use, value, or safety of the farm machinery;

(2) A nonconformity is the result of an accident, abuse, neglect, or unauthorized modification of the farm machinery by a person other than the manufacturer, an agent of a manufacturer, the distributor, or an authorized dealer; or

(3) The consumer did not file a claim in good faith.

47-18-3104.

(a) A consumer may bring a civil action to enforce this part in a court of competent jurisdiction. A consumer must bring a legal action under this section within two (2) years after the date the consumer first reports a nonconformity to a manufacturer, an agent of a manufacturer, or an authorized dealer.

(b) This part does not limit the rights or remedies available to a consumer under any other applicable law.

(c) If a consumer prevails in a legal proceeding under this part, then the consumer may recover, as part of the judgment, a sum equal to the aggregate amount of costs and expenses, including attorney's fees, based on:

(1) Actual time expended by an attorney; and

(2) Charges reasonably incurred by the consumer in connection with the commencement and prosecution of an action under this section as determined by a court.

(d) Before filing a legal action to enforce this part in a court of competent jurisdiction, the consumer and the manufacturer, distributor, or authorized dealer may, upon mutual agreement and in good faith, attempt to resolve any issue or claim in dispute through the use of an impartial third-party mediator.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, and applies to sales of farm machinery made on or after that date, the public welfare requiring it.

PUBLIC CHAPTER NO. 412**HOUSE BILL NO. 841****By Representatives Williams, White, Howell, Smith, Hazlewood**

Substituted for: Senate Bill No. 992

By Senators Gardenhire, Bowling

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 7 and Title 9, Chapter 4, relative to economic impact of changes to periods of imprisonment in government facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[9-4-210]

SECTION 1. Tennessee Code Annotated, Section 9-4-210, is amended by deleting the section and substituting instead the following:

(a)

(1) For any law enacted after January 1, 2022, that results in a net increase in periods of imprisonment in state facilities, there must be appropriated from recurring revenues the estimated operating costs of the law.

(2) Appropriations made under subdivision (a)(1) must be used only for operating costs for the department of correction.

(3) Any law enacted without the funding required by subdivision (a)(1) is null and void unless such funding is appropriated in the general appropriations act.

(b) For any law enacted after January 1, 2022, that results in a net decrease in periods of imprisonment in state facilities, the appropriations in subsection (a) must be decreased by the estimated amounts annually that account for the estimated decrease in operating costs of the law. The annual decrease in appropriations required pursuant to this subsection (b) must be made in the general appropriations act as a line item reduction for the next ten (10) years commencing after the effective date of the law and in an amount equal to the annual estimated decrease in operating costs reflected in the fiscal note prepared pursuant to subsection (c).

(c) The amount of appropriations made under this section must be equal to the amounts reflected in fiscal notes prepared by the staff of the fiscal review committee. Cost increases must be estimated based on the operating costs, in current dollars, of the highest of the next ten (10) fiscal years commencing after July 1, 2021. Cost decreases must be estimated based on actual estimated operating costs to be reduced.

(d) For purposes of this section:

(1) "Operating costs" means all variable costs of housing inmates in state facilities, or local facilities pursuant to title 41, chapter

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8, other than capital outlay or capital maintenance costs and does not include any set costs for housing inmates in state or local facilities; and

(2) "Periods of imprisonment in state facilities" includes inmates housed by the state in local facilities pursuant to title 41, chapter 8.

[Effective date 5/12/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to appropriations made on or after January 1, 2022.

PUBLIC CHAPTER NO. 413**HOUSE BILL NO. 870**

By Representatives Doggett, Griffey, Lamberth, Sherrell, Hardaway, Reedy, Hazlewood, Terry, Littleton, Calfee, Moody, Curcio, Cepicky

Substituted for: Senate Bill No. 893

By Senators Stevens, Bell, Gardenhire, Hensley, Rose, Southerland, Walley, Haile, Kelsey, Pody

AN ACT to amend Tennessee Code Annotated, Title 28; Title 29 and Title 40, relative to victim compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-24-105]

SECTION 1. Tennessee Code Annotated, Section 40-24-105(a), is amended by deleting the last sentence of the subsection and substituting:

The following shall be the allocation formula for moneys paid into court in matters adjudicated on or after January 1, 2022: the first moneys paid in a case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes, and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

[40-35-304]

SECTION 2. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (d) and substituting instead the following:

(d) In determining the amount and method of payment or other restitution, the court may consider the financial resources and future ability of the defendant to pay or perform.

[29-13-108]

SECTION 3. Tennessee Code Annotated, Section 29-13-108(a), is amended by deleting the language “one (1) year” wherever it appears and substituting “two (2) years”.

[Effective date 1/1/2022]

SECTION 4. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 414**HOUSE BILL NO. 874****By Representatives Terry, Smith, Helton, Hazlewood**

Substituted for: Senate Bill No. 1255

By Senators Reeves, Haile, Rose

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to child placement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-2-403]

SECTION 1. Tennessee Code Annotated, Section 37-2-403, is amended by adding the following as a new subsection:

(g) The caseworker for a child who has been placed in foster care shall document any objection to the child's placement with a relative that is made by another relative or other interested party.

[37-2-411]

SECTION 2. Tennessee Code Annotated, Section 37-2-411(a), is amended by adding the following subdivision:

(11) The number of documented objections to foster care placements made pursuant to § 37-2-403(g);

[Effective date 5/12/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 415

HOUSE BILL NO. 926

**By Representatives Curcio, Gillespie, Faison, Crawford, Hazlewood,
Jernigan, Todd**

Substituted for: Senate Bill No. 1401

By Senator Swann

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 18,
relative to the employment of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-17-1804]

SECTION 1. Tennessee Code Annotated, Section 39-17-1804, is amended
by deleting subdivision (1) and substituting instead the following:

(1) Age-restricted venues; provided, that an age-restricted
venue does not lose the exemption if an employee is:

(A) At least sixteen (16) years of age;

(B) Not employed at an adult-oriented establishment, as
defined in § 7-51-1102; and

(C) A child of the owner of the age-restricted venue;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 416**HOUSE BILL NO. 1016****By Representatives Gary Hicks, Crawford, Hazlewood, Sherrell**

Substituted for: Senate Bill No. 516

By Senators Briggs, Pody

AN ACT, to amend Tennessee Code Annotated, Section 3-9-103; Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37, relative to retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-25-303]

SECTION 1. Tennessee Code Annotated, Section 8-25-303(a)(1), is amended by deleting the following language:

Notwithstanding § 8-35-111, beginning on July 1, 2006, any such employer match shall equal one hundred percent (100%) of the amount contributed by each state employee to the plan per month, up to a maximum of forty dollars (\$40.00) per month or, alternatively, up to a higher maximum that may be specifically prescribed in the annual general appropriations act.

and substituting instead:

Notwithstanding § 8-35-111, beginning on July 1, 2021, any such employer match shall equal one hundred percent (100%) of the amount contributed by each state employee to the plan per month, up to a maximum of fifty dollars (\$50.00) per month or, alternatively, up to a higher maximum that may be specifically prescribed in the annual general appropriations act.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 417**HOUSE BILL NO. 1131**

**By Representatives Farmer, Camper, Whitson, Smith, Williams,
Thompson, Miller**

Substituted for: Senate Bill No. 1424

By Senator Akbari

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-413]

SECTION 1. Tennessee Code Annotated, Section 49-5-413(d)(3)(B), is amended by designating the existing language as subdivision (d)(3)(B)(i), redesignating the subsequent subdivisions accordingly, and adding the following as a new subdivision (d)(3)(B)(ii):

(ii) Notwithstanding subdivision (d)(3)(B)(i), an employer or employee of the employer to whom this subsection (d) applies, may come in direct contact with school children or with children in a child care program or enter the grounds of a school or child care center when children are present if the criminal history records check indicates that:

- (a) The person was convicted of a misdemeanor offense;
- (b) The misdemeanor conviction occurred more than ten (10) years preceding the date of application for employment; and
- (c) The misdemeanor offense for which the person was convicted did not involve a minor.

[49-5-413]

SECTION 2. Tennessee Code Annotated, Section 49-5-413(d)(3)(C), is amended by deleting the language “(d)(3)(B)” wherever it appears and substituting instead the language “(d)(3)(B)(i)”.

[Effective date 5/12/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 418**HOUSE BILL NO. 1145**

By Representatives Grills, Todd, Doggett, Griffey, Moody, Hurt, Cepicky, Jerry Sexton, Hall, Crawford, Haston, Bricken, White, Sherrell, Halford, Warner, Lynn

Substituted for: Senate Bill No. 285

By Senators Rose, Walley, Bowling, Hensley, Pody, Powers, Stevens

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 43, relative to agricultural property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-14-411]

SECTION 1. Tennessee Code Annotated, Section 39-14-411, is amended by deleting subsections (a) and (b) and substituting:

(a) A person commits the offense of critical infrastructure vandalism who knowingly:

(1) Interrupts or interferes with critical infrastructure or its operation; or

(2) Destroys or injures critical infrastructure or a farm.

(b) As used in this section:

(1) "Critical infrastructure" includes, but is not limited to, the infrastructure of the following services to the general public:

(A) Telephone, telegraph, television, internet, or other telecommunication services;

(B) Electric, heat, natural gas, or other power or energy services;

(C) The distribution of crude or refined liquid petroleum products or natural gas, and the pipelines, pumping stations, terminals, and equipment necessary for operation of the facility;

(D) Water, wastewater, or sewer services; and

(E) Railroads and other transportation services; and

(2) "Farm" has the same meaning as defined in § 43-26-102 and includes the real property, vehicles, equipment, machinery, animals, or crops contained on a farm.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 419**HOUSE BILL NO. 1178**

By Representatives Crawford, Alexander, Freeman, Smith, Hurt

Substituted for: Senate Bill No. 800

By Senators Briggs, Haile, Jackson, Pody

AN ACT to amend Tennessee Code Annotated, Title 2, relative to convenient voting centers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-3-301]

SECTION 1. Tennessee Code Annotated, Section 2-3-301, is amended by adding the following sentence to the end of subsection (c):

The coordinator of elections shall not approve convenient voting centers for any county election commission that has not used at least one (1) early satellite voting location throughout an early voting period in the most recent regular November election.

[2-3-302]

SECTION 2. Tennessee Code Annotated, Section 2-3-302(a), is amended by deleting the language “for local elections conducted in 2019, and for federal, state, and local elections held in 2020” and substituting instead the language “for federal, state, and local elections held in 2022”.

[2-3-302]

SECTION 3. Tennessee Code Annotated, Section 2-3-302(f), is amended by deleting the subsection and substituting instead the following:

(f) This part applies only in counties having a population of not less than thirty-five thousand twenty (35,020) nor more than thirty-five thousand thirty (35,030), in counties having a population of not less than one hundred fifty-six thousand eight hundred twenty (156,820) nor more than one hundred fifty-six thousand eight hundred thirty (156,830), and in counties having a population of not less than one hundred sixty thousand six hundred forty (160,640) nor more than one hundred sixty thousand six hundred fifty (160,650), according to the 2010 federal census or any subsequent federal census.

[2-3-308]

SECTION 4. Tennessee Code Annotated, Section 2-3-308(a), is amended by deleting the language:

Any county in 2018 that conducted a pilot project under § 2-3-301 establishing convenient voting centers in the county and for which the coordinator of elections filed a favorable report under § 2-3-307

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may create a program that establishes convenient voting centers in the county for federal, state, and local elections under the following conditions:

and substituting instead the language:

Notwithstanding § 2-3-302(f), any county, during or prior to 2020, which conducted a pilot project under § 2-3-301 establishing convenient voting centers in the county and for which the coordinator of elections filed a favorable report under § 2-3-307 may create a program that establishes convenient voting centers in the county for federal, state, and local elections under the following conditions:

[Effective date 1/1/2022]

SECTION 5. For purposes of carrying out any administrative duties necessary to effectuate the provisions and intent of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 420**HOUSE BILL NO. 1186****By Representatives Garrett, Todd, Smith****Substituted for: Senate Bill No. 896****By Senator Stevens**

AN ACT to amend Tennessee Code Annotated, Title 35, relative to trusts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[35-6-401]

SECTION 1. Tennessee Code Annotated, Section 35-6-401, is amended by deleting subdivision (d)(2) and substituting:

(2) If the total amount of money and property received in a distribution or series of related distributions is greater than twenty percent (20%) of the entity's gross assets, as shown by the entity's year-end financial statements or by an attestation by an officer of the entity's gross assets immediately preceding the initial receipt. If the total amount of money and property received in a distribution or series of related distributions is equal to or less than twenty percent (20%) of an entity's gross assets, then it is not a partial liquidation.

[35-15-103]

SECTION 2. Tennessee Code Annotated, Section 35-15-103(24)(B), is amended by deleting the language "; or" and substituting the language "without causing the trust to terminate; or".

[35-15-107]

SECTION 3. Tennessee Code Annotated, Section 35-15-107(a), is amended by deleting the subsection and substituting:

(a) The validity and construction of a trust are determined by the law of the jurisdiction designated in the terms of the trust instrument, which is called a state jurisdiction provision.

[35-15-108]

SECTION 4. Tennessee Code Annotated, Section 35-15-108(a), is amended by deleting the language "with a jurisdiction, the terms of a trust designating that jurisdiction's laws in a state jurisdiction provision are valid and controlling if" and substituting the language "with a jurisdiction, for purposes of determining the applicable law controlling a trust's administration, the terms of a trust designating a jurisdiction's trust administration laws in a state jurisdiction provision are valid and controlling if".

[35-15-108]

SECTION 5. Tennessee Code Annotated, Section 35-15-108, is amended by deleting the first sentence in subsection (b) and substituting:

Except as otherwise expressly provided in a state jurisdiction provision that is valid and controlling under subsection (a), or by court order addressing the applicable law for trust administration, the laws of this state govern the administration of a trust while the trust is administered in this state.

[35-15-111]

SECTION. 6. Tennessee Code Annotated, Section 35-15-111(c), is amended by adding the following new subdivisions:

(10) The resignation, appointment, and establishment of the powers and duties of trust protectors or trust advisors; and

(11) The approval of an investment decision, delegation, policy, plan, or program.

[35-15-409]

SECTION 7. Tennessee Code Annotated, Section 35-15-409(1), is amended by deleting the language "ninety (90) years" and substituting the language "three hundred sixty (360) years".

[35-15-411]

SECTION 8. Tennessee Code Annotated, Section 35-15-411(c), is amended by deleting the language "as provided under § 35-15-111".

[35-15-510]

SECTION 9. Tennessee Code Annotated, Section 35-15-510, is amended by deleting subsection (i) and substituting:

(i) After a conveyance to a trustee described in subsection (b), the property transferred is tenancy by the entirety property held by husband and wife subject to this section.

[35-15-813]

SECTION 10. Tennessee Code Annotated, Section 35-15-813, is amended by adding the following at the end of subsection (d):

During the time a beneficiary is represented by another pursuant to § 35-15-303, a trustee shall send its report or other information otherwise required to be furnished under this section to the representative of the beneficiary, which has the same effect as sending the report or other information otherwise required to be furnished under this section to the beneficiary being represented.

[35-15-813]

SECTION 11. Tennessee Code Annotated, Section 35-15-813, is amended by deleting subsection (e) and substituting:

(e) Subsections (a) and (b) do not apply to the extent:

(1) That the terms of the trust provide otherwise; or

(2) The settler of the trust, or a trust protector or trust advisor under part 12 of this chapter, that holds the power to so direct, directs otherwise in a writing delivered to the trustee. Directions made in a writing delivered to the trustee by the settler, trust advisor, or trust protector as set forth in this subdivision (e)(2) remain in effect until and unless the settler, trust advisor, or trust protector revokes the written instructions or is incapacitated. Additionally, the written directions remain in effect only while the trust advisor or trust protector providing the written directions is serving as the current trust advisor or trust protector. Unless otherwise specifically provided in the written directions, upon the death or incapacity of a settler who provided the written directions described in this subdivision (e)(2), the directions are revoked. However, upon the death or incapacity of the settler, a trust advisor or trust protector, if any, may further direct the trustee in writing pursuant to this subdivision (e)(2). Unless otherwise stated in the governing instrument, in the event of a conflict in the written directions, the written directions of the settler control. Notwithstanding this subdivision (e)(2), during the time a settler has designated a representative to represent and bind the interests of a beneficiary or beneficiaries under § 35-15-303, a trustee shall send its report or other information otherwise required to be furnished under this section to the representative designated by the settler until the settler revokes the designation or until the designated representative ceases serving. Sending reports or other information otherwise required to be furnished to a designated representative has the same effect as sending the report or other information otherwise required to be furnished under this section to the beneficiary or beneficiaries being represented. To the extent a settler, trust advisor, or trust protector directs a trustee not to send its report or other information otherwise required to be furnished under this section to a beneficiary or beneficiaries and does not designate a representative to receive the information, the trustee shall send the information it would otherwise be required to send to the beneficiary or beneficiaries to the settler who provided the written directions described in this subdivision (e)(2), trust advisor, or trust protector, which has the same effect as sending the report or other information otherwise required to be furnished under this section to the beneficiary or beneficiaries.

[35-15-816]

SECTION 12. Tennessee Code Annotated, Section 35-15-816, is amended by deleting subdivision (b)(27) and adding the following as a new subsection:

(c) Unless the terms of the instrument expressly provide otherwise:

(1) A trustee who has authority, under the terms of a testamentary instrument or irrevocable inter vivos trust agreement, to invade the principal of a trust to make distributions to, or for the benefit of, one (1) or more proper objects of the exercise of the power, may instead exercise that authority by appointing all or part of the

principal of the trust in favor of a trustee of a trust under an instrument other than that under which the power to invade is created or under the same instrument if the exercise of that authority:

(A) Does not reduce any income interest of any income beneficiary of the following trusts:

(i) A trust for which a marital deduction has been taken for federal tax purposes under § 2056 or § 2523 of the Internal Revenue Code (26 U.S.C. § 2056 or § 2523) or for state tax purposes under any comparable provision of applicable state law;

(ii) A charitable remainder trust under § 664 of the Internal Revenue Code; or

(iii) A grantor retained annuity or unitrust trust under § 2702 of the Internal Revenue Code (26 U.S.C. § 2702); and

(B) Is in favor of the proper objects of the exercise of the power;

(2)

(A) The second trust must only have as beneficiaries one (1) or more of the beneficiaries of the first trust. For distributions made during the grantor's lifetime, the second trust must not accelerate the beneficial interest of a future beneficiary. For distributions made after the grantor's death, the second trust may accelerate the beneficial interest of a future beneficiary.

(B) For purposes of subdivision (c)(2):

(i) "Accelerate the beneficial interest" means making a beneficiary eligible to receive distributions of income or principal at a date earlier than the date upon which the beneficiary would otherwise be eligible to receive distributions from the first trust; and

(ii) "Future beneficiary" means a beneficiary who is not currently eligible to receive any distributions of income or principal from the first trust, but is eligible to receive a distribution of income or principal from the first trust at a future time or upon the happening of an event specified under the first trust;

(3) A trustee who is a beneficiary of the original trust shall not exercise the authority to appoint property of the original trust to a second trust if under the terms of the original trust or pursuant to law governing the administration of the original trust:

(A) The trustee does not have discretion to make distributions to itself;

(B) The trustee's discretion to make distributions to itself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to itself is not limited by the same ascertainable standard;

(C) The trustee's discretion to make distributions to itself can only be exercised with the consent of a co-trustee or a person holding an adverse interest and under the terms of the second trust

the trustee's discretion to make distributions to itself is not limited by an ascertainable standard and may be exercised without consent; or

(D) The trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not so limited;

(4) The exercise of the power to invade the principal of the trust under subdivision (c)(1) must be by an instrument in writing, signed by the trustee and filed with the records of the trust;

(5) The exercise of the power to invade principal of the trust under subdivision (c)(1) must not extend the permissible period of the rule against perpetuities that applies to the trust;

(6) This section does not abridge the right of any trustee who has a power of invasion to appoint property in further trust that arises under any other statute, under common law, or pursuant to the applicable instrument governing the first trust;

(7) The exercise of the power to appoint principal under subdivision (c)(1) must be considered an exercise of a power of appointment, other than a power to appoint to the trustee, the trustee's creditors, the trustee's estate, or the creditors of the trustee's estate;

(8) The second trust:

(A) May confer a power of appointment upon a beneficiary of the original trust to whom or for the benefit of whom the trustee has the power to distribute principal of the original trust;

(B) The permissible appointees of the power of appointment conferred upon a beneficiary may include persons who are not beneficiaries of the original or second trust; and

(C) The power of appointment conferred upon a beneficiary must preclude any exercise that would extend the permissible period of the rule against perpetuities that applies to the trust;

(9) If any contribution to the original trust qualified for the annual exclusion under § 2503(b) of the Internal Revenue Code (26 U.S.C. § 2503(b)), the marital deduction under §§ 2056(a) or 2523(a) of the Internal Revenue Code (26 U.S.C. §§ 2506(a) or 2523(a)), or the charitable deduction under §§ 170(a), 642(c), 2055(a), or 2522(a) of the Internal Revenue Code (26 U.S.C. §§ 170(a), 642(c), 2055(a), or 2522(a)), is a direct skip qualifying for treatment under § 2642(c) of the Internal Revenue Code (26 U.S.C. § 2642(c)), or qualified for any other specific tax benefit that would be lost by the existence of the authorized trustee's authority under subdivision (c)(1) for income, gift, estate, or generation-skipping transfer tax purposes under the Internal Revenue Code, then the authorized trustee does not have the power to distribute the principal of a trust pursuant to subdivision (c)(1) in a manner that would prevent the contribution to the original trust from qualifying for or would reduce the exclusion, deduction, or other tax benefit that was originally claimed with respect to that contribution;

(10) During any period when the original trust owns stock in a subchapter S corporation as defined in § 1361(a)(1) of the Internal Revenue Code (26 U.S.C. § 1361(a)(1)), an authorized trustee shall not exercise a power authorized by subdivision (c)(1) to distribute part or all of the stock of the S corporation to a second trust that is not a permitted shareholder under § 1361(c)(2) of the Internal Revenue Code (26 U.S.C. § 1361(c)(2));

(11) This section applies to any trust that is administered in this state; and

(12) For purposes of this section, "original trust" means the trust from which principal is being distributed, and "second trust" means the trust to which assets are being distributed from the original trust.

[35-16-102]

SECTION 13. Tennessee Code Annotated, Section 35-16-102, is amended by deleting subdivision (8) and substituting:

(8) "Person" means an individual; corporation; business trust; estate; trust or civil law equivalent of a trust, including a fideicomiso or equivalent, or a foundation of the equivalent; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity;

[35-16-102]

SECTION 14. Tennessee Code Annotated, Section 35-16-102(11), is amended by deleting the language "after the transferor executes a qualified affidavit".

[35-16-104]

SECTION 15. Tennessee Code Annotated, Section 35-16-104, is amended by adding the following language at the end of subsection (c):

The transferor's execution of a qualified affidavit creates a rebuttable presumption that the assets disclosed in the affidavit were transferred to the trust on the date of execution of the affidavit. The transferor bears the burden of proving by a preponderance of the evidence the date of transfer of any asset that is not listed on a qualified affidavit.

[35-15-810]

SECTION 16. Tennessee Code Annotated, Section 35-15-810, is amended by adding the following as a new subsection:

(f) For all purposes under this chapter, if a trust is apportioned into separate shares for one (1) or more beneficiaries, then the apportioned separate shares must be treated as separate trusts even though the share may be commingled with other separate shares of the trust for investment and tax reporting purposes as provided in this section.

[35-15-505]

SECTION 17. Tennessee Code Annotated, Section 35-15-505, is amended by adding the following as a new subsection:

(h) For purposes of this section, a person is not considered the settler or deemed settler of an irrevocable inter vivos trust if the person is a beneficiary with respect to property that was contributed to the trust by the person's spouse, regardless of whether or when the person was a settlor of an irrevocable inter vivos trust for the benefit of the person's spouse. For purposes of this subsection (h), "person's spouse" means the individual to whom the person was married at the time the irrevocable inter vivos trust was created, regardless of a subsequent dissolution of the marriage.

[35-6-502]

SECTION 18. Tennessee Code Annotated, Section 35-6-502, is amended by adding the following language at the end of subdivision (a)(1):

however, if in the judgment of the trustee, the charging of a part or all of that portion of the compensation described under § 35-6-501(1) to principal is impracticable because of the lack of sufficient principal cash and readily marketable intangible personal property, or inadvisable because of the nature of the assets, then that part or all of the compensation must be paid out of income so long as the adjustment does not violate § 35-6-104(c). The decision of the trustee to pay a larger portion or all of the compensation out of income is conclusive, and the income of the trust is not entitled to reimbursement from principal at any subsequent time or times;

[35-15-1102]

SECTION 19. Tennessee Code Annotated, Section 35-15-1102, is amended by adding the following language at the end of the section:

However, the execution of a modification, termination, or settlement agreement pursuant to § 35-15-111, § 35-15-411, or § 35-15-412 is considered a transaction for purposes of § 47-10-103.

[35-15-509]

SECTION 20. Tennessee Code Annotated, Section 35-15-509, is amended by adding the following as a new subdivision (3) and redesignating the existing subdivision (3) accordingly:

(3) No creditor or assignee shall reach property transferred pursuant to a power of appointment exercised by a decedent unless the power of appointment was actually exercised in favor of the decedent or the decedent's estate; and

[35-16-104]

SECTION 21. Tennessee Code Annotated, Section 35-16-104(b)(1), is amended by deleting the language "two (2) years" wherever it appears and substituting the language "eighteen (18) months".

[35-15-402]

SECTION 22. Tennessee Code Annotated, Section 35-15-402, is amended by adding the following as a new subsection (e):

(e) Notwithstanding subdivision (a)(4), a passive trust is not terminable because it is passive.

[35-15-103]

SECTION 23. Tennessee Code Annotated, Section 35-15-103(20), is amended by deleting the subdivision and substituting instead the following:

(20) "Person" means an individual; corporation; business trust; estate; trust or civil law equivalent of a trust, including a fideicomiso or equivalent, or a foundation of the equivalent; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity;

[35-15-113]

SECTION 24. Tennessee Code Annotated, Title 35, Chapter 15, Part 1, is amended by adding the following as a new section:

35-15-113.

(a) The trustee of a trust that has the trust's principal place of administration in this state may register the trust with the secretary of state. For purposes of this section, a trust is considered to have the trust's principal place of administration in this state if one (1) of the trustees has its principal place of business in this state or is a resident of this state and the trust meets the requirements described in § 35-15-108(a)(2) or (3).

(b) Registration is accomplished by filing a statement with the secretary of state that includes the following:

(1) The name, address, and phone number of the trustee with its principal place of business in this state or that is a resident of this state, in which the trustee acknowledges the trusteeship;

(2) Dates and locations of each prior registration, if any, or a statement that the trust has not previously been registered in a jurisdiction;

(3) The name of the trust, date of the trust instrument, and each subsequent amendment or modification;

(4) In the case of a testamentary trust, the name of the testator and the date and place of domiciliary probate; or in the case of a written inter vivos trust, the name of each settlor and the original trustee;

(5) The name and address of each current co-trustee, trust advisor, or trust protector;

(6) A statement that the trustee submits to the jurisdiction of the courts of this state in any proceeding relating to the trust that may be initiated by any interested person while the trust remains registered, provided that notice is given as provided by law; and

(7) A filing fee of two hundred fifty dollars (\$250) payable to the secretary of state.

(c) If a trust has been registered elsewhere, registration in this state is ineffective until either the earlier registration is released by the jurisdiction where prior registration occurred or an instrument executed by the trustee and all current beneficiaries is filed with the registration in this state.

(d) The registration is confidential and not subject to public inspection under title 10, chapter 7, part 5.

(e) Notwithstanding subsection (d), the settlor, a trustee, trust advisor, or trust protector for the trust may obtain a certified copy of the registration upon filing a request with the secretary of state that includes a signed attestation that they are the settlor or a currently serving trustee, trust advisor, or trust protector, and paying a filing fee of one hundred dollars (\$100) payable to the secretary of state. If the requesting person is not listed in the initial registration, such as in the case of a newly appointed trustee, trust advisor, or trust protector, then the requesting party must provide documentation evidencing the requesting party's appointment.

(f) The registration may be cancelled by a signed request of the trustee, attesting to current service as a trustee, accompanied by:

(1) Documentary evidence of subsequent registration of the trust in a different jurisdiction; or

(2) An acknowledged instrument executed by all current beneficiaries agreeing to the cancellation.

(g) The secretary of state may designate required forms and methods for filing a registration, requesting a certified copy of a registration, and cancelling a registration.

SECTION 25. The Tennessee Code Commission is requested to publish in Tennessee Code Annotated the revisions required to conform to the current state of the law official comments for Chapters 5, 15, and 16 of Title 35 that are filed with the executive secretary of the Tennessee Code Commission by July 1, 2021, unless a later date is provided by said secretary, by duly authorized representatives of the Trust Committee of the Tennessee Bankers Association.

[Effective date 7/1/2021]

SECTION 26. Section 24 of this act takes effect January 1, 2022, the public welfare requiring it. All other sections of this act take effect July 1, 2021, the public welfare requiring it, and apply to actions occurring on or after that date.

PUBLIC CHAPTER NO. 421**HOUSE BILL NO. 1187****By Representatives Garrett, Griffey**

Substituted for: Senate Bill No. 1592

By Senators Bailey, Rose

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-6-109]

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) A law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining to the communications, to the extent and under the procedures and conditions provided for by the laws of the United States.

(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire and electronic communications in the provider's possession or reasonably accessible to the provider when a requesting law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee complies with the provisions for access to the communications as set forth by the laws of the United States.

(c) Search warrants for production of stored wire or electronic communications and transactional records pertaining to the communications shall have statewide application or application as provided by the laws of the United States when issued by a judge with general criminal jurisdiction over the criminal offense under investigation and to which such records relate. A judge with general criminal jurisdiction over the criminal offense under investigation may also issue orders for production of stored wire or electronic communications and transactional records pertaining to the communications to the extent and under the procedures and conditions provided for by the laws of the United States.

(d) A subpoena for the production of stored wire or electronic communications and transactional records pertaining to the communications may be issued under the procedures for the issuance of subpoenas and to the extent and under the procedures and conditions provided for by the laws of the United States.

PUBLIC CHAPTER NO. 421 (cont'd)

(e) Criminal process that authorizes or commands the seizure or production of papers, documents, records, or other things from a recipient may be served by:

(1) Delivering a copy to the recipient personally; or

(2) Sending a copy by:

(A) Certified or registered mail, return receipt requested;

(B) Express mail; or

(C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof of delivery.

(f) A recipient-provider who seeks to quash or otherwise challenge the criminal process must seek relief from the court of general criminal jurisdiction in the county from which process issued within the time required for production. The court shall hear and decide the issue as soon as practicable.

(g) When criminal process is served under subsection (e) of this section, the recipient-provider shall provide all of the papers, documents, records, or other things described in the criminal process within twenty (20) business days from the date the criminal process is received, unless:

(1) The court, for good cause shown, includes in the process a requirement for production within a period of time that is less than twenty (20) business days;

(2) The court, for good cause shown, extends the time for production to a period of time that is more than twenty (20) business days; or

(3) The applicant consents to a request from the recipient-provider for additional time to comply with the process.

(h) Criminal process issued under this section must contain a notice on the first page of the document that indicates:

(1) That the process was issued under this section;

(2) The date before which the recipient-provider must respond to the process; and

(3) That the deadline for seeking relief is not altered by the applicant's consent to additional time to respond to the process.

(i) As used in this section, "criminal process" means a subpoena, search warrant or other court order, or such other process authorized under the procedures and conditions provided for by the laws of the United States for the disclosure of stored wire or electronic communications and transactional records pertaining to the communications.

(j) A failure to comply with criminal process issued pursuant to this section by a recipient-provider is punishable as contempt.

PUBLIC CHAPTER NO. 421 (cont'd)**[Effective date 7/1/2021]**

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 422**HOUSE BILL NO. 1204**

By Representatives Zachary, Mannis, Wright, Garringer, Williams, McKenzie, Mr. Speaker Sexton, Ramsey, Ragan, Moon, Hawk, Faison, Garrett, Russell, Calfee, Marsh, Travis, Gary Hicks, Cochran, Lynn, Baum, Lamberth, Whitson, Freeman, Gant, Windle, White

Substituted for: Senate Bill No. 783

By Senators Massey, Briggs, Yager

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to sales and use taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-103]

SECTION 1. Tennessee Code Annotated, Section 67-6-103(d)(1)(A)(iii), is amended by designating the existing language as subdivision (a) and adding the following language as a new subdivision (b):

(b) If the stadium described in subdivision (d)(1)(A)(iii)(a) is placed in service after December 31, 2020, and on or before December 31, 2025, within any county with a population greater than four hundred thousand (400,000), according to the 2010 federal census or any subsequent federal census, and the projected cost of private development expected by the county to be constructed proximate to the stadium exceeds one hundred million dollars (\$100,000,000), then the following allocation of state and local tax revenue applies in lieu of the allocation otherwise provided in subdivision (d)(1)(A)(iii)(a):

(1) An amount must be apportioned and distributed to the entity that is responsible for retirement of the debt on the stadium equal to the amount of state and local sales tax revenue derived from any sale of admission to events occurring within the stadium and from all sales of food, drinks, merchandise, and parking sold from a location on the premises of the stadium in conjunction with any events occurring within the stadium, which is deemed to include sales of souvenirs and other merchandise at a team store located on the premises of the stadium regardless of whether such sales occur during an event or during other store hours; and

(2) All amounts received by the entity that is responsible for retirement of the debt on the stadium under this subdivision (d)(1)(A)(iii)(b) must be deposited into a fund entitled the "minor league baseball stadium fund," which must be used exclusively to pay debt service related to the financing or refinancing of the initial construction of the stadium and debt service related to the financing or refinancing of the initial public infrastructure for such stadium construction. Any refinancing must be only up to the outstanding principal amount,

PUBLIC CHAPTER NO. 422 (cont'd)

and the term of any refinancing shall not extend beyond the date of the original term. For purposes of this subdivision (d)(1)(A)(iii)(b)(2), "initial public infrastructure" means, in regard to the payment of debt service, those public infrastructure costs for stadium construction that are incurred within the first three (3) years following the effective date of this act. If the funds received by the entity that is responsible for retirement of the debt on the stadium under this subdivision (d)(1)(A)(iii)(b) in any fiscal year exceed the total of the debt service requirements for that year, the surplus funds thus accruing must either be applied to the prepayment of principal of any financing or refinancing or be retained by such entity as a reserve fund to be used exclusively for future debt service requirements pursuant to this subdivision (d)(1)(A)(iii)(b). The allocations provided under this subdivision (d)(1)(A)(iii)(b) must continue for a period of thirty (30) years from the date the first game is played in the stadium by the minor league baseball team, until such debt service is retired, until a sufficient reserve fund has been established for the retirement of such debt service, or until June 30, 2053, whichever occurs first. For purposes of administering this subdivision (d)(1)(A)(iii)(b), the entity that is responsible for retirement of the debt on the stadium shall, by July 31 of each year, report its debt amortization schedule, minor league baseball stadium fund balance, and reserve fund balance to the commissioner of revenue. Additionally, in the event that a sufficient reserve fund is established for the retirement of such debt service, the presiding officer of the governing body of the entity that is responsible for the retirement of the debt on the stadium shall certify the date of such event and provide notice to the commissioner of revenue within thirty (30) days following such event.

[67-6-712]

SECTION 2. Tennessee Code Annotated, Section 67-6-712, is amended by adding the following as a new subsection:

() Notwithstanding the allocations provided for in subsection (a), if a franchise for a minor league affiliate of a major league baseball team (American or National League) playing at the Class AA level or higher locates in a municipality in this state and if the municipality constructs a new stadium for the franchise, then local sales tax shall be apportioned and distributed to the municipality as provided in § 67-6-103(d)(1)(A)(iii).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 423**HOUSE BILL NO. 1254**

By Representatives Jerry Sexton, Rudd, Warner, Towns, Hardaway, Hulse, Parkinson, Harris, Smith, Reedy, Calfee, Lynn, Terry, Lafferty, Jernigan, Mannis, Miller, Hodges, Weaver, Powell

Substituted for: Senate Bill No. 1361

By Senators Bell, Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, relative to forfeiture.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-33-217]

SECTION 1. Tennessee Code Annotated, Section 40-33-217(a), is amended by deleting the subsection and substituting:

Upon entering an order that includes a return of property, in whole or in part, the administrative law judge or the court shall also include an award of reasonable attorney's fees against the seizing agency subject to the limits in subsection (c).

[40-33-217]

SECTION 2. Tennessee Code Annotated, Section 40-33-217(c), is amended by deleting the subsection and substituting:

An award of reasonable attorney's fees under this section shall not exceed ten thousand dollars (\$10,000). Failure to submit documentation of an attorney's time and expenses must result in no attorney's fee being awarded.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 424**HOUSE BILL NO. 1373**

By Representatives Whitson, Griffey, Windle, Moon, Wright, Faison,
Tim Hicks, Jernigan, Lamberth, Russell, Mannis, Kumar, Sherrell,
Gant, Hardaway, Howell, Gary Hicks, Beck, Parkinson, Lamar, Hall,
Bricken, Harris, Haston, Thompson, Smith, Moody, Todd, Keisling,
Hazlewood, Helton, Sparks, Alexander, Camper, Carr, Eldridge,
Boyd, Lynn, Littleton

Substituted for: Senate Bill No. 1409

By Senators Johnson, Akbari, Rose

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 27, relative to health insurance benefits for families of first responders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-27-404]

SECTION 1. Tennessee Code Annotated, Section 8-27-404(d), is amended by deleting the subsection and substituting the following:

(d) This state shall reimburse a local government that provides health insurance benefits in accordance with this section in an amount equal to that portion of health insurance premiums or expenses for COBRA coverage for benefits for which the local government is responsible.

[Effective date 5/12/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 425

HOUSE BILL NO. 1481

**By Mr. Speaker Sexton and Representatives Farmer, Hazlewood,
Warner, Curcio, Smith**

Substituted for: Senate Bill No. 1611

By Senators Bailey, Yager, Bowling

AN ACT to amend Tennessee Code Annotated, Section 57-3-207 and Section 57-3-217, relative to wine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-217]

SECTION 1. Tennessee Code Annotated, Section 57-3-217(d), is amended by adding the following new subdivision (2) and redesignating the subsequent subdivision accordingly:

(2) Notwithstanding subdivision (d)(1), a winery direct shipper that produces or manufactures less than two hundred seventy thousand (270,000) liters of wine per calendar year may ship up to fifty-four (54) liters of wine to an individual per calendar year.

[Effective date 5/12/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 426**HOUSE BILL NO. 1514****By Representatives Cochran, Chism, Lamar**

Substituted for: Senate Bill No. 1032

By Senator Briggs

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-101]**SECTION 1.** Tennessee Code Annotated, Section 57-3-101, is amended by deleting subdivision (a)(14) and substituting instead the following:

(14) "Municipality" means an incorporated town or city having a population of seven hundred (700) or more, according to the 2010 federal census or any subsequent federal census; provided, however, that when an incorporated town or city by ordinance authorizes a census to be taken of such incorporated town or city and provides the commission with a certified copy of the census containing the name, address, age, and sex of each person enumerated therein, and if the census shows that the incorporated town or city has a population of seven hundred (700) persons or more, the commission, upon verification of the census, may declare such incorporated town or city to be a "municipality" for the purposes of this chapter;

[57-3-106]**SECTION 2.** Tennessee Code Annotated, Section 57-3-106(b), is amended by deleting the following language "and which has a population of nine hundred twenty-five (925) or more persons, according to the federal census of 1970 or any subsequent federal census".**[Effective date 5/12/2021]****SECTION 3.** This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 427**HOUSE BILL NO. 1578**

By Representatives Moon, Hodges, Hall, Wright, Jernigan, Ragan, Curtis Johnson, Todd, Helton, Whitson, Carringer, Griffey, Russell, Parkinson, Windle, Sherrell, Hardaway, Thompson, Smith, Eldridge, Moody, Mannis, Keisling, Hazlewood, Alexander, Powell, Hurt, Littleton, Beck, Camper

Substituted for: Senate Bill No. 1183

By Senators Jackson, Bowling, Akbari, Crowe, Niceley, Powers, Rose

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 58, relative to veteran sick leave.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-50-812]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

In addition to the sick leave granted under § 8-50-802, a state employee who is a veteran with a service-connected disability of thirty percent (30%) or more receives thirty-six (36) hours of leave each year that can be used to attend appointments related to the service-connected disability. However, no unused leave remaining at the end of the year may be carried over to the subsequent year.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 428

SENATE BILL NO. 116

By Johnson, Rose

Substituted for: House Bill No. 516

By Gant

AN ACT to amend Tennessee Code Annotated, Title 56 and Title 67, relative to legal service plans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-43-103]

SECTION 1. Tennessee Code Annotated, Section 56-43-103, is amended by deleting the word "or" at the end of subdivision (4)(C)(iii), deleting the word "and" and substituting the word "or" in subdivision (4)(C)(iv), and inserting the following as a new subdivision (4)(C)(v):

(v) A plan entered into by a person and an intermediary organization as defined by, and that is registered in compliance with, the rules of the Tennessee Supreme Court whereby:

(1) The person pays a fee and is eligible to receive legal services specified in the plan;

(2) The intermediary organization contracts with a licensed attorney or a law firm that includes one (1) or more attorneys licensed to practice law in this state, where the attorney or law firm agrees to provide, or facilitate arrangements with other licensed attorneys to provide, the legal services specified in the plan; and

(3) The intermediary organization does not assume any risk or obligation to pay or reimburse for the cost of the legal services specified in the plan, and the payment of a fixed administrative fee from the intermediary organization to the attorney or law firm is not considered payment or reimbursement for the legal services specified in the plan; and

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 429

SENATE BILL NO. 146

By Watson, Gilmore

Substituted for: House Bill No. 599

By Hazlewood

AN ACT to amend Tennessee Code Annotated, Section 67-6-209, relative to sales and use tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-209]

SECTION 1. Tennessee Code Annotated, Section 67-6-209(b), is amended by inserting the following language at the end of the subsection:

For purposes of this section, "private nonprofit college or university" includes a nonprofit academic medical center and teaching hospital that operates as a separate nonprofit corporation, but which, when founded, was operated as a division of a private nonprofit college or university and that continues to provide education and training of physicians, nurses, and other allied healthcare professionals.

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 430**SENATE BILL NO. 157****By Briggs**

Substituted for: House Bill No. 150

By Zachary, Grills

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4; Title 40, Chapter 32 and Title 57, relative to underage consumption of alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-15-404]

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subdivision (a)(3) and substituting:

(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;

(B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;

(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2);

(D) This subdivision (a)(3) does not affect:

(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

[39-15-404]

SECTION 2. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subsection (d) and substituting:

(d) A violation of subsection (a) is a Class A misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000), and in addition to the penalties authorized by § 40-35-111, the offender shall be sentenced to one hundred (100) hours of community service work. In addition to the penalties established in this subsection (d), the court

having jurisdiction over the offender may, in its discretion, prepare and send an order for denial of the offender's driving privileges to the department of safety, driver control division. The offender may apply to the court for a restricted driver license, which may be issued in accordance with § 55-50- 502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, increase the offender's sentence to a maximum of two hundred (200) hours of community service work.

[40-32-101]

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(1)(B), is amended by deleting subdivision (xix) and substituting:

(xix) Section 39-15-404 -- Allowing a minor to consume alcohol on person's premises;

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 431**SENATE BILL NO. 171****By Lundberg**

Substituted for: House Bill No. 57

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 11; Title 54 and Title 55, relative to the Doe Mountain recreation area.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[54-5-121]

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 1, is amended by adding the following as a new section:

The department is authorized to install and erect appropriate signs, other than tourist-oriented directional signs, along a state highway for the Doe Mountain recreation area. Such signs must be authorized by the Manual on Uniform Traffic Control Devices.

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 432**SENATE BILL NO. 177****By Lundberg, Crowe**

Substituted for: House Bill No. 189

By Faison, Gillespie, Curcio, Powell, Freeman, Helton, Camper

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 5, relative to distribution of beer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-5-101]

SECTION 1. Tennessee Code Annotated, Section 57-5-101(c)(2), is amended by deleting the subdivision.

[57-5-101]

SECTION 2. Tennessee Code Annotated, Section 57-5-101, is amended by adding the following as a new subsection:

(1) Notwithstanding subdivision (a)(2), a manufacturer brewing not more than twenty-five thousand (25,000) barrels of beer or high alcohol content beer, or both, annually and operating as a retailer pursuant to subsection (c) may self-distribute the beer that it manufactures directly to retailers:

(A) In the county in which the manufacturer is located; and

(B) Outside the county in which the manufacturer is located, if the manufacturer:

(i) Self-distributes not more than one thousand eight hundred (1,800) barrels of such manufacturer's beer annually; and

(ii) Is not prohibited from self-distribution in the particular county by the manufacturer's contract with a beer wholesaler.

(2)(A) A manufacturer self-distributing outside the county in which the manufacturer is located pursuant to subdivision (1)(B) shall not self-distribute more than one thousand eight hundred (1,800) barrels of its beer annually in this state regardless of the number of manufacturing locations.

(B) If a manufacturer self-distributes more than one thousand eight hundred (1,800) barrels in a year, including in one (1) or more counties outside the county in which the manufacturer is located, the manufacturer shall enter into a contract with a wholesaler to distribute the manufacturer's beer within ninety (90) days of exceeding such limitation.

(3) A manufacturer shall certify its total volume of annual self-distribution as a part of the reporting required by § 57-6-105.

PUBLIC CHAPTER NO. 432 (cont'd)

(4) A manufacturer self-distributing beer pursuant to subdivision ()(1) shall collect and pay all taxes imposed by §§ 57-5-201 and 57-6-103. Any distribution, sale, or transfer of beer by a manufacturer directly to a beer retailer constitutes a wholesale sale for purposes of taxation.

(5) To determine the exact amount of tax owed on sales of beer and to facilitate the collection thereof, a manufacturer self-distributing beer pursuant to subdivision ()(1) shall register separately with the commissioner of revenue as a wholesaler pursuant to § 57-5-102 and shall comply with the requirements for licensing as a wholesaler, including, without limitation, the permitting, reporting, and bonding requirements imposed by §§ 57-5-103, 57-6-104, 57-6-105, 57-6-107, and 67-6-410. In addition to the information required by § 67-6-410(b), such manufacturers shall report quantities of beer sold for consumption on the manufacturer's premises.

[57-5-201]

SECTION 3. Tennessee Code Annotated, Section 57-5-201(d), is amended by adding the following as the second sentence thereof:

Any such self-distribution or sale by a manufacturer of its beer directly to a retail dealer of beer constitutes a wholesale sale for purposes of taxation.

[Effective date 10/1/2021]

SECTION 4. This act takes effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 433**SENATE BILL NO. 224****By Hensley, Rose**

Substituted for: House Bill No. 155

By Haston, Hazlewood, Weaver

AN ACT to amend Tennessee Code Annotated, Section 6-58-114, relative to joint economic and community development boards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[6-58-114]

SECTION 1. Tennessee Code Annotated, Section 6-58-114(a), is amended by deleting the period at the end of the subsection and substituting instead “, and include ways to address issues impacting communities that hinder growth.”.

[6-58-114]

SECTION 2. Tennessee Code Annotated, Section 6-58-114(b), is amended by adding the following sentence at the end of the subsection:

Community development may include initiatives to address issues impacting communities that are not directly related to economic growth but hinder development such as drug abuse and crime.

[6-58-114]

SECTION 3. Tennessee Code Annotated, Section 6-58-114(c), is amended by adding the following sentence at the end of the subsection:

Each joint economic and community development board is encouraged to include representation from school systems located within the county.

[6-58-114]

SECTION 4. Tennessee Code Annotated, Section 6-58-114(h), is amended by inserting the following sentence immediately before the last sentence of the subsection:

Each participating government retains full authority to approve or disapprove contributions to the budget.

[6-58-114]

SECTION 5. Tennessee Code Annotated, Section 6-58-114, is amended by adding the following as a new subsection:

(I) The board may exercise on behalf of its constituent members any authority contained in the interlocal agreement that may be exercised separately by the constituent member. Such authority

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may include, but is not limited to, the authority to contract with an industrial development corporation, development district, human resources agency, nonprofit corporation, or private business to deliver services that further economic growth in the community.

[Effective date 5/13/2021]

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 434

SENATE BILL NO. 246

By Massey, Powers

Substituted for: House Bill No. 679

By Carr, Lamberth, Sherrell, Weaver, Freeman, Crawford, White, Whitson,
Zachary, Russell, Bricken, Smith, Moody, Hazlewood, Todd, Gillespie,
Garrett, Williams, Beck

AN ACT to amend Tennessee Code Annotated, Section 39-13-106; Section 39-13-115; Section 39-13-213; Section 39-13-218 and Title 69, Chapter 9, Part 2, relative to boating under the influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[69-9-219]

SECTION 1. Tennessee Code Annotated, Section 69-9-219(c)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(A) Except as otherwise provided in this subdivision (c)(1), any person who violates § 69-9-217(a) commits a Class A misdemeanor.

(B)(i) Any person violating § 69-9-217(a), shall, upon conviction for the first offense, be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days.

(ii) Any person violating § 69-9-217(a), upon conviction for the first offense with a blood alcohol concentration of twenty-hundredths of one percent (0.20%) or more, shall serve a minimum of seven (7) consecutive days rather than forty-eight (48) hours.

(C)(i) Any person violating § 69-9-217(a), shall, upon conviction for a second offense, be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days.

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(C)(i), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least twenty-five (25) days of the period of incarceration imposed in the county jail or workhouse.

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(D)(i) Any person violating § 69-9-217(a), shall, upon conviction for a third offense, be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days.

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(D)(i), as a condition of probation the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least sixty-five (65) days of the period of incarceration imposed in the county jail or workhouse.

(E) Any person violating § 69-9-217(a), upon conviction for a fourth offense, shall be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony.

(F) Any person violating § 69-9-217(a), upon conviction for a fifth offense and for which prior convictions for vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218 are to be included, shall be sentenced as a felon to serve not less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class D felony.

(G) A sixth or subsequent conviction for violating § 69-9-217(a), including any other applicable prior conviction described in subdivision (c)(1)(F), is a Class C felony and any person sentenced under this subdivision (c)(1)(G) shall be sentenced to serve no less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class C felony.

[69-9-219]

SECTION 2. Tennessee Code Annotated, Section 69-9-219(d), is amended by deleting the language "or shall be confined in the county jail or workhouse for no more than thirty (30) days, or both" and substituting instead the following:

and shall be confined in the county jail or workhouse for not less than forty-eight (48) consecutive hours nor more than six (6) months

[39-13-106]

SECTION 3. Tennessee Code Annotated, Section 39-13-106, is amended by adding the language "or § 69-9-219(a)" immediately after the language "§ 55-

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10-401" wherever it appears; and is further amended by adding the language "or vessel subject to registration" immediately after the language "motor vehicle" in subsection (a); and is further amended by adding the language "or operating a vessel subject to registration" immediately after the language "vehicle" wherever it appears in subsection (c).

[39-13-115]

SECTION 4. Tennessee Code Annotated, Section 39-13-115(b), is amended by adding the language ", or boating under the influence, as defined in § 69-9-217(a)" immediately after the language "§ 55-10-401" wherever it appears.

[39-13-115]

SECTION 5. Tennessee Code Annotated, Section 39-13-115(f), is amended by adding the language "or operating a vessel subject to registration" immediately after the language "vehicle".

[39-13-115]

SECTION 6. Tennessee Code Annotated, Section 39-13-213, is amended by adding the language "or operating a vessel subject to registration" immediately after the language "vehicle" in subsection (c); is further amended by deleting the language "motorboat" in subsection (a) and substituting instead the language "vessel subject to registration under title 69, chapter 9, part 2,"; and is further amended by deleting the language "The driver's intoxication, as set forth in § 55-10-401" in subdivision (a)(2) and substituting instead the language "The driver's intoxication, as set forth in § 55-10-401, or the operator's intoxication, as set forth in § 69-9-217(a)".

[39-13-218]

SECTION 7. Tennessee Code Annotated, Section 39-13-218(a), is amended by adding the language "or boating under the influence, as defined in § 69-9-217(a)" immediately after the language "Driving under the influence of an intoxicant" wherever it appears.

[Effective date 7/1/2021]

SECTION 8. This act takes effect July 1, 2021, the public welfare requiring it, and applies to instant violations committed on or after that date.

PUBLIC CHAPTER NO. 435**SENATE BILL NO. 263****By Niceley**

Substituted for: House Bill No. 1497

By Towns, Camper, Hazlewood, Miller

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 104, relative to display operators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-104-208]

SECTION 1. Tennessee Code Annotated, Section 68-104-208(a), is amended by deleting the subsection and substituting the following:

(a) The fire marshal shall establish a program of certification for outdoor fireworks display operators, proximate pyrotechnic display operators, and flame effect display operators. To receive certification, an applicant must apply for certification to the fire marshal on a form to be prescribed by the fire marshal, must be at least twenty-one (21) years of age, and must not have been convicted of or pleaded guilty or nolo contendere to a state or federal felony. In addition, an applicant must meet the following requirements for the areas in which the applicant desires certification:

(1) To be certified as an outdoor fireworks display operator, the applicant must:

(A) Pass a written examination that tests outdoor display operator knowledge, approved by and conducted under the auspices of the fire marshal;

(B) Show that the applicant has worked under competent supervision on at least three (3) outdoor fireworks displays in the three (3) years immediately preceding the application; and

(C) Pay a certification fee not to exceed one hundred fifty dollars (\$150) to be set by rule by the fire marshal;

(2) To be certified as a proximate pyrotechnic display operator, the applicant must:

(A) Pass a written examination that tests pyrotechnic special effects operator knowledge, approved by and conducted under the auspices of the fire marshal;

(B) Show that the applicant has worked under competent supervision on at least five (5) proximate pyrotechnic displays in the three (3) years immediately preceding the application; and

(C) Pay a certification fee not to exceed one hundred fifty dollars (\$150) to be set by rule by the fire marshal; and

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(3) To be certified as a flame effect display operator, the applicant must:

(A) Pass a written examination that tests flame effect operator knowledge, approved by and conducted under the auspices of the fire marshal;

(B) Show that the applicant has worked under competent supervision on at least five (5) flame effect displays in the three (3) years immediately preceding the application; and

(C) Pay a certification fee not to exceed one hundred fifty dollars (\$150) to be set by rule by the fire marshal.

[68-104-208]

SECTION 2. Tennessee Code Annotated, Section 68-104-208(d)(1), is amended by deleting the language “two (2) years” and substituting the language “three (3) years”; and by deleting the language “two-year certification” and substituting the language “three-year certification”.

[68-104-208]

SECTION 3. Tennessee Code Annotated, Section 68-104-208(d)(2), is amended by deleting the language “three (3)”.

[Effective date 7/1/2021]

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 436**SENATE BILL NO. 281****By Rose, Lundberg, Bowling, Haile**

Substituted for: House Bill No. 955

By Littleton, Hardaway, Griffey, Smith, Hazlewood, Calfee, Hodges, Whitson,
Helton

AN ACT to amend Tennessee Code Annotated, Title 37; Title 39, Chapter 13,
Part 5 and Title 40, Chapter 39, relative to juvenile offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[37-1-129]

SECTION 1. Tennessee Code Annotated, Section 37-1-129(a)(1), is amended by deleting the language “§ 37-1-153(b)(2)” and substituting the language “§ 37-1-153(b)(1)(B) or (b)(2)”.

[37-1-131]

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(e) Notwithstanding this section to the contrary, the court shall prohibit a child who is adjudicated delinquent for conduct that, if committed by an adult, would constitute the offense of aggravated rape, under § 39-13-502, rape, under § 39-13-503, rape of a child, under § 39-13-522, or aggravated rape of a child, under § 39-13-531, from accepting employment or volunteering in any capacity that the child knows or reasonably should know will cause the child to be in close and frequent contact with a minor until the child reaches eighteen (18) years of age. This subsection (e) does not prohibit the child from accepting employment or volunteering in a position that involves incidental contact with minors. Notwithstanding this section to the contrary, the prohibition required by this subsection (e) must remain in effect until the child attains eighteen (18) years of age, regardless of the other terms of the child’s disposition.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to acts committed on or after that date.

PUBLIC CHAPTER NO. 437**SENATE BILL NO. 332****By Yager**

Substituted for: House Bill No. 668

By Freeman, Camper, Curcio, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[57-3-404]

SECTION 1. Tennessee Code Annotated, Section 57-3-404(h)(2), is amended by adding the following as a new subdivision:

(i) Notwithstanding subdivisions (h)(2)(A)-(F), a manufacturer conducting a consumer tasting at a retail licensee's premises may, in the manufacturer's discretion:

(a) Have a licensed wholesaler deliver the product to be tasted directly to the retailer using a zero dollar (\$0.00) invoice; or

(b) Obtain the product to be tasted from a wholesaler in advance of the tasting and bring the product to the retail licensee's premises to be used exclusively for consumer tastings.

(ii) If a manufacturer chooses the option in subdivision (h)(2)(i)(b), then the applicable wholesaler shall provide a zero dollar (\$0.00) invoice for the product requested by the manufacturer. In addition, the manufacturer must notify the wholesaler in writing at least five (5) business days prior to pick up by the manufacturer of any scheduled consumer tasting that includes the date and location of the consumer tastings. If additional tastings occur, each manufacturer shall notify in writing their wholesalers of the date and location of the consumer tasting at least five (5) business days after such tastings.

(iii) A manufacturer may acquire a reasonable amount of product for consumer tastings that will occur in the next thirty (30) days. If a manufacturer has leftover product after this thirty-day period, then the manufacturer may email the applicable wholesalers the approximate amount of leftover product, and the manufacturer may possess this overage for another thirty (30) days. This process may continue indefinitely until the extra product is used up or poured out by the manufacturer.

(iv) A manufacturer shall not leave excess or leftover product, either sealed or unsealed, with a retail licensee. All product must be taken by the manufacturer to be used by them for future consumer tastings.

PUBLIC CHAPTER NO. 437 (cont'd)

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 438

SENATE BILL NO. 427

By Yager, Bowling

Substituted for: House Bill No. 540

By Powers, Griffey, Sherrell, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 5, relative to directional signs for public community colleges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[54-5-708]

SECTION 1. Tennessee Code Annotated, Section 54-5-708(1), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision:

(B) Notwithstanding any law to the contrary, any state community colleges that are within the service area of Roane State Community College, located in any county having a population of not less than forty thousand seven hundred (40,700) nor more than forty thousand eight hundred (40,800), according to the 2010 federal census, or any subsequent federal census, and located within five (5) miles of Interstate 75, must be signed pursuant to subdivision (1)(A) regardless of the number of students enrolled in the colleges.

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 439**SENATE BILL NO. 440****By Rose, Pody**

Substituted for: House Bill No. 530

By Moody, Griffey, Zachary, Whitson, Sherrell, Helton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 38, relative to law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[38-8-127]

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following new section:

(a) The state shall offer a reward for information leading to the arrest of any individual responsible for the shooting of a law enforcement officer in the line of duty. The reward shall be in the following amount:

(1) Ten thousand dollars (\$10,000) if the law enforcement officer was injured in the shooting; or

(2) Twenty thousand dollars (\$20,000) if the law enforcement officer was killed in the shooting.

(b) Payment of the reward shall be made from the general fund after receipt by the department of finance and administration of proof of arrest by the appropriate law enforcement agency.

[38-8-127]

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to injuries or deaths occurring on or after that date.

PUBLIC CHAPTER NO. 440**SENATE BILL NO. 451****By Bell, Bowling, Jackson, Reeves, Rose, Stevens**

Substituted for: House Bill No. 881

By Terry, Griffey, Rudd, Zachary, Boyd, Sherrell, White, Ogles, Grills, Hall,
Reedy, Smith, Moody, Lynn, Littleton, Williams, Baum, Todd

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative
to rioting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-17-303]

SECTION 1. Tennessee Code Annotated, Section 39-17-303, is amended
by deleting the section and substituting instead the following:

(a) A person commits an offense who:

(1) Knowingly participates in a riot; and

(2)(A) Traveled from outside the state with intent to commit a
criminal offense;

(B) Participates in a riot in exchange for compensation; or

(C) As a result of the riot, a person other than one (1) of
the participants suffers bodily injury or substantial property damage
occurs.

(b)(1) A violation of this section is a Class E felony.

(2) In any sentence imposed for a violation of this section, the
court shall include a mandatory minimum sentence of:

(A) Forty-five (45) days of incarceration; or

(B) Sixty (60) days of incarceration if the defendant engages
in the conduct described in two (2) or more of the circumstances listed
in subdivisions (a)(2)(A) - (C).

(3) In any sentence imposed for a violation of this section, the
court shall include an order of restitution for any injury, property
damage, or loss incurred as a result of the offense.

SECTION 2. If any provision of this act or its application to any person or
circumstance is held invalid, then the invalidity does not affect other provisions
or applications of the act that can be given effect without the invalid provision
or application, and to that end, the provisions of this act are severable.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 441**SENATE BILL NO. 488****By Bell, Massey**

Substituted for: House Bill No. 1464

By Cochran, Whitson, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 8; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to health care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 68, ch 31, part 101; 68-31-101; 68-31-102; 68-31-103]

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

68-31-101. Chapter definitions.

As used in this chapter:

(1) "Ambulatory surgical treatment center" has the same meaning as defined in § 68-11-201;

(2) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education;

(3) "Auxiliary aids and services" means:

(A) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) Acquisition or modification of equipment or devices; or

(D) Other similar services and actions;

(4) "Covered entity" means:

(A) A healthcare provider;

(B) A hospital;

(C) An ambulatory surgical treatment center;

(D) A home care organization; or

(E) Any other entity responsible for matching anatomical gifts or organ donors to potential recipients;

(5) "Disability" has the same meaning as defined in 42 U.S.C. § 12102;

(6) "Healthcare provider" means a person licensed under title 63, chapter 6, 7, 9, or 19;

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(7) "Home care organization" has the same meaning as defined in § 68-11-201;

(8) "Hospital" has the same meaning as defined in § 33-1-101 or § 68-11-201;

(9) "Transplantation" means the transplantation or transfusion of a human body part into the body of another individual for the purpose of treating or curing a medical condition; and

(10) "Qualified recipient" means a recipient who has a disability and meets the eligibility requirements for receipt of transplantation or anatomical gift regardless of the use of the following:

(A) Individuals or entities available to support and assist the recipient of an anatomical gift or transplantation;

(B) Auxiliary aids and services; or

(C) Reasonable modifications to the policies, practices, or procedures of a covered entity, including modifications that allow for:

(i) Communication with one (1) or more individuals or entities available to support or assist with the recipient's care after surgery or transplantation; or

(ii) Consideration of the availability of those individuals or entities when determining whether the recipient is able to comply with medical requirements following surgery or transplantation.

68-31-102. Discrimination on the basis of disability prohibited.

(a) A covered entity shall not do any of the following solely on the basis of the disability of a qualified recipient:

(1) Consider a qualified recipient ineligible for transplantation or receipt of an anatomical gift;

(2) Deny medical or other services related to transplantation, including:

(A) Evaluation;

(B) Surgery; and

(C) Counseling and treatment following transplantation;

(3) Refuse to refer a qualified recipient to a transplant center or specialist;

(4) Refuse to place a qualified recipient on an organ or tissue waiting list; or

(5) Place a qualified recipient at a position on an organ or tissue waiting list that is lower than the position at which the qualified recipient would have been placed if not for the qualified recipient's disability.

(b) Subject to subsection (c), if a healthcare provider has examined an individual and determined that the individual has a disability, then a covered entity may consider, when making recommendations or decisions related to receipt of an anatomical gift or transplantation,

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the disability of the individual to be medically significant to the receipt of an anatomical gift or transplantation.

(c) A covered entity shall not consider a qualified recipient's inability to comply with medical requirements following transplantation to be medically significant if a qualified recipient has individuals or entities available to assist in complying with the medical requirements.

(d) A covered entity shall make reasonable modifications to its policies, practices, or procedures to allow individuals with disabilities access to transplantation-related treatment and services, except when the covered entity demonstrates that the modifications would fundamentally alter the nature of the transplantation-related treatment and services.

68-31-103. Civil cause of action.

(a) An individual who reasonably believes that a covered entity has violated this chapter may bring a civil action for injunctive or other equitable relief against the covered entity for the purpose of enforcing compliance with this chapter.

(b) In an action commenced under this section, the court must:

(1) Schedule a hearing as soon as practicable; and

(2) Apply the same standards when rendering judgment as would be applied in an action brought in federal court under 42 U.S.C. § 12101 et seq.

(c) This section does not create a right to compensatory or punitive damages against a covered entity.

[56-7-2607]

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 26, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Covered person" means a person on whose behalf a health insurance entity is obligated to pay benefits or provide services, and who has a disability;

(2) "Disability" has the same meaning as defined in 42 U.S.C. § 12102;

(3) "Health insurance entity" has the same meaning as defined in § 56-7-109;

and

(4) "Transplantation" means the transplantation or transfusion of a human body part into the body of another individual for the purpose of treating or curing a medical condition.

(b) A health insurance entity that offers plans in this state that provide coverage for transplantation to individuals or groups on an expense-incurred basis shall not deny coverage for transplantation solely on the basis of the covered person's disability.

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(c) This section does not require a health insurance entity to provide coverage for transplantation if the transplantation is not medically necessary.

(d) This section applies to a state or local insurance program, under title 8, chapter 27, and a managed care organization contracting with the state to provide insurance through the TennCare program.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to plans entered into, issued, amended, or renewed on or after that date.

PUBLIC CHAPTER NO. 442**SENATE BILL NO. 536****By Walley**

Substituted for: House Bill No. 654

By Darby, Cooper

AN ACT to amend Tennessee Code Annotated, Section 8-4-203, relative to subpoena service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-4-203]

SECTION 1. Tennessee Code Annotated, Section 8-4-203, is amended by deleting the section and substituting instead the following:

Service of such subpoena shall be had by a designated representative of the comptroller of the treasury either handing a copy of the subpoena to such witness, at which time service is complete; mailing a copy of the subpoena to such witness by certified mail, return receipt requested, in which case service shall be complete on the date the witness signs the certified mail receipt; or, if the witness cannot be found, mailing a copy of the subpoena to the last known address of the witness by first-class mail, in which case service shall be complete upon mailing. Such process shall run throughout the state.

[Effective date 5/13/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 443

SENATE BILL NO. 555

By Lundberg

Substituted for: House Bill No. 762

By Gillespie, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 4; Title 16; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 49 and Title 70, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1301]

SECTION 1. Tennessee Code Annotated, Section 39-17-1301(3), is amended by deleting the language “especially aggravated rape of a child” and substituting instead “aggravated rape of a child”.

[Effective date 5/13/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 444**SENATE BILL NO. 557****By Bell, Bowling, Crowe, Jackson, Niceley, Rose, Stevens**

Substituted for: House Bill No. 446

By Warner, Griffey, Grills, Terry, Smith, Calfee, Moody, Doggett, Bricken,
Haston, Todd, Weaver, Reedy, Eldridge, Cochran, Tim Hicks

AN ACT to amend Tennessee Code Annotated, Title 38 and Title 39, relative
to firearm laws.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[38-3-115]

SECTION 1. This act is known and may be cited as the "Tennessee
Firearm Protection Act."

[38-3-115]

SECTION 2. Tennessee Code Annotated, Section 38-3-115, is amended by
deleting subsections (a) and (b) and substituting:

(a)(1) On or after July 1, 2021, public funds of this state, or
any political subdivision of this state, shall not be allocated to the
implementation, regulation, or enforcement of any federal law,
executive order, rule, or regulation regulating the ownership, use, sale,
or possession of firearms, ammunition, or firearm accessories, if the
expenditure of public funds would result in the violation of another
Tennessee statute, Tennessee common law, or the Constitution of
Tennessee.

(2) On or after July 1, 2021, personnel or property of this
state, or any political subdivision of this state, shall not be allocated
to the implementation, regulation, or enforcement of any federal law,
executive order, rule, or regulation regulating the ownership, use, sale,
or possession of firearms, ammunition, or firearm accessories, if the
expenditure of public funds would result in the violation of another
Tennessee statute, Tennessee common law, or the Constitution of
Tennessee.

(b)(1) On or after July 1, 2021, personnel or property of this state,
or any political subdivision of this state, shall not be allocated to the
implementation, regulation, or enforcement of any international law
or treaty regulating the ownership, use, sale, or possession of firearms,
ammunition, or firearm accessories, if the expenditure of public funds
would result in the violation of another Tennessee statute, Tennessee
common law, or the Constitution of Tennessee.

(2) On or after July 1, 2021, public funds of this state, or
any political subdivision of this state, shall not be allocated to the
implementation, regulation, or enforcement of any international law

PUBLIC CHAPTER NO. 444 (cont'd)

or treaty regulating the ownership, use, sale, or possession of firearms, ammunition, or firearm accessories, if the expenditure of public funds would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.

[38-3-115]

SECTION 3. Tennessee Code Annotated, Section 38-3-115, is amended by adding the following as a new subsection:

A violation of this section by a state or local government entity may be reviewed by the office of the attorney general and reporter and the general assembly and may result in the entity's loss of funding from the state for the fiscal year following the violation.

[39-17-1314]

SECTION 4. Tennessee Code Annotated, Section 39-17-1314(b)(4), is amended by adding the language", except as prohibited by§ 38-3-115" before the period.

[Effective date 5/13/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 445**SENATE BILL NO. 793****By Rose, Massey**

Substituted for: House Bill No. 442

By Vaughan, Jernigan, Keisling, Whitson, Griffey, Moon, Williams, Gary Hicks, Hazlewood, Freeman, Zachary, Gillespie, Sherrell, Lamberth, Garrett, Cochran, Crawford, White, Ogles, Russell, Wright, Gant, Faison, Calfee, Stewart, Garringer, Bricken, Lamar, Towns, Reedy, Parkinson, Powers, Howell, Haston, Chism, Windle, Tim Hicks, Smith, Darby, Moody, Thompson, Helton, Littleton, Cepicky, Todd, Carr, Eldridge, Boyd, Camper, Clemmons, Doggett, Love, Powell, Terry, Alexander, Beck, Curcio, Marsh, Miller, Weaver

AN ACT to amend Tennessee Code Annotated, Title 46, Chapter 6 and Title 58, relative to the Major Trevor Joseph Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[46-6-108]

SECTION 1. Tennessee Code Annotated, Title 46, Chapter 6, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Major Trevor Joseph Act."

(b)(1) The department of veterans services shall provide burial services for a person who died in the line of duty or while on active duty with the United States armed forces, the Tennessee national guard, or the Tennessee air national guard and is being interred in a state veterans' cemetery on a date requested by the family members of the person if the department is given notice of the burial at least seventy-two (72) hours in advance of the burial service.

(2) No burial services may be provided pursuant to subdivision (b)(1) that are scheduled on legal holidays, as defined in § 15-1-101.

(3) Notwithstanding subdivisions (b)(1) and (2), the commissioner may authorize burial services to be provided on a weekday if a weekend burial cannot be held due to inclement weather, an emergency that directly affects the ability for persons to conduct a burial service, or other circumstances that would adversely affect the department's ability to provide burial services.

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 446**SENATE BILL NO. 829****By Haile, Akbari**

Substituted for: House Bill No. 1200

By Hawk, Hazlewood, Calfee, Lynn, Helton

AN ACT to amend Tennessee Code Annotated, Section 8-4-115; Title 16 and Title 18, Chapter 1, relative to data reported to the administrative office of the courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[18-1-105]

SECTION 1. Tennessee Code Annotated, Section 18-1-105(d), is amended by adding the following as a new subdivision:

(3) The AOC shall provide each court clerk in a county that has not installed TnCIS with a list of the data that is required under Rule 11, § II of the Rules of the Supreme Court of Tennessee or state law. The AOC and court clerks shall coordinate efforts to ensure that the court clerks submit the required data by January 1, 2022, and in an ongoing manner thereafter, pursuant to procedures established by the AOC.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 447**SENATE BILL NO. 832****By Niceley**

Substituted for: House Bill No. 648

By Faison

AN ACT to amend Tennessee Code Annotated, Section 10-7-404, relative to digitizing documents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[10-7-404]

SECTION 1. Tennessee Code Annotated, Section 10-7-404, is amended by deleting subsection (c) and substituting instead the following:

(c)(1) In addition to the process in § 10-7-406 and notwithstanding subsection (a) or any other law to the contrary, the county public records commission may authorize the destruction or transfer of the original paper version of permanent records solely in accordance with subsection (d).

(2) If the county public records commission authorizes the destruction of the original paper version of permanent records solely in accordance with subsection (d), the original records must not be destroyed:

(A) For one (1) year, if the record is created after the effective date of this act and before July 1, 2022; and

(B) For six (6) months, if the record is created on or after July 1, 2022, and before July 1, 2023.

[10-7-404]

SECTION 2. Tennessee Code Annotated, Section 10-7-404, is amended by deleting the second sentence in subdivision (d)(1) and substituting instead the following:

Notwithstanding subdivision (d)(2), an original paper version of a record required by law to be permanently retained must not be destroyed once reproduced in accordance with this subsection (d) without a majority vote of the county public records commission.

[Effective date 5/13/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 448

SENATE BILL NO. 849

By Pody

Substituted for: House Bill No. 729

By Ragan

AN ACT to amend Tennessee Code Annotated, Section 68-204-104, relative to the state energy policy council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-204-104]

SECTION 1. Tennessee Code Annotated, Section 68-204-104(a), is amended by deleting the language “fourteen (14)” and substituting the language “fifteen (15)”, and adding the following as a new subdivision:

() The chair of the Tennessee public utility commission or the chair’s designee serves as an ex officio, voting member of the council;

[Effective date 5/13/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 449**SENATE BILL NO. 881****By Stevens**

Substituted for: House Bill No. 1190

By Garrett, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 35 and Title 66, relative to real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[35-15-114]

SECTION 1. Tennessee Code Annotated, Title 35, Chapter 15, is amended by adding the following language as a new section:

35-15-113. Real Property in Trust.

(a) An estate in real property may be acquired in the name of the trust or in the name of the trustee on behalf of the named trust, and title to real property conveyed by the trust must be conveyed by the trustee, as trustee of the trust.

(b) Subsection (a) applies to documents executed prior to, on, and after July 1, 2021.

(c) This section does not abrogate or amend § 35-15-402(d).

[10-7-201]

SECTION 2. Tennessee Code Annotated, Section 10-7-201, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) A suit, decree, judgment, sale, mortgage, transfer, lien, deed, power of attorney, or other record referencing a trust must be indexed in the name of the trust, if the name is stated in the document, and in the name of each trustee listed in the document.

SECTION 3. The headings to Section 1 in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 450**SENATE BILL NO. 354****By Gardenhire, Jackson, Massey, Reeves, Rose**

Substituted for: House Bill No. 476

By White, Gillespie, Griffey, Thompson, Russell, Whitson, Beck, Freeman,
Moon, Hardaway, Powell, Jernigan, Helton, Hodges, Marsh

AN ACT to amend Tennessee Code Annotated, Title 55, relative to the use of
surveillance cameras on interstate highways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[55-8-198]

SECTION 1. This act is known and may be cited as the "Caitlyn Kaufman
Interstate Safety Act."

[55-8-198]

SECTION 2. Tennessee Code Annotated, Section 55-8-198(f), is amended
by deleting the subsection and substituting instead the following:

(f)(1) Surveillance cameras are not permitted on federal interstate
highways except for:

(A) SmartWay cameras;

(B) Other intelligent transportation system cameras; or

(C) Surveillance cameras used to enforce or monitor
traffic violations within work zones designated by the department
of transportation when employees of the department or construction
workers are present; provided, that the cameras are operated only by
a state entity.

(2) Notwithstanding subdivision (f)(1), in accordance with
applicable state and federal laws governing the use and management
of highway rights-of-way and subject to the approval of the federal
highway administration as required by federal law, the department of
transportation is authorized, but not required, to permit the installation
of surveillance cameras operated by law enforcement agencies on
federal interstate highways and state roads as a non-highway use
of the highway right-of-way for the purpose of aiding in criminal
investigations or searches for missing or endangered persons to the
extent that such use is consistent with the continued use, operations,
maintenance, and safety of the highway facility and does not interfere
with the free and safe flow of traffic; provided, that these cameras are
not used to enforce or monitor state or local traffic violations or issue
citations for such violations.

SECTION 3. If any provision of this act or the application thereof to any
person or circumstance is held invalid, such invalidity shall not affect other

PUBLIC CHAPTER NO. 450 (cont'd)

provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

[Effective date 5/14/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 451**HOUSE BILL NO. 241**

**By Representatives Ramsey, Curcio, Powell, Gillespie, Lamar,
Whitson, White, Hardaway, Mannis, Jernigan, Freeman**

Substituted for: Senate Bill No. 681

By Senators Kelsey, Yager, Akbari

AN ACT to amend Tennessee Code Annotated, Title 57, relative to off-premises consumption of alcoholic beverages.

WHEREAS, the recent pandemic has substantially damaged Tennessee's food and beverage industry due to its effects on employees in those industries and orders of governments which substantially restricted their activities and abilities to sell food and beverage; and

WHEREAS, these reductions in certain commercial activities in this State have resulted in dramatic reductions in employment, sales, and taxes paid; and

WHEREAS, these reductions in a major portion of this State's largest retail commercial segment, tourism, have cost many Tennesseans all or part of their income during the recent pandemic; and

WHEREAS, this reduction in activity in the tourism industry has cost Tennessee's cities, counties, and this State a tremendous loss in receipts from sales, hotel, and liquor taxes; and

WHEREAS, this State has paid an enormous amount of unemployment benefits to laid-off employees in the tourism industry; and

WHEREAS, thirty-one other states now permit the sale of alcoholic beverages and beer to go in order to support the food service industry; and

WHEREAS, some other states are now considering proposals to allow the delivery of alcoholic beverages and beer along with food to customers; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:**

[57-4-112]

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary, a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter may offer drive-through, pickup, and carryout orders of alcoholic beverages and beer at the licensee's place of business if the sale of alcoholic beverages and beer for consumption off the licensee's premises:

PUBLIC CHAPTER NO. 451 (cont'd)

(1) Is accompanied by the sale of prepared food in the same order;

(2) Is packaged in a bottle or can with a secure cap or in a container that is secured by tape which secures the lid, covers any openings in the lid, and which would show that it has been opened; and

(3) Consists of, per purchase, not more than:

(A) A single serving of alcoholic beverages, not to exceed sixteen fluid ounces (16 fl. oz.), or beer as authorized by the local beer board; or

(B) A container of wine that may be lawfully sold within this state.

(b) A licensee selling alcoholic beverages and beer under this section shall post a conspicuous sign containing the following language:

A driver shall not consume alcoholic beverages or beer while operating a motor vehicle in this state.

(c) This section does not authorize a licensee to sell bottles of distilled spirits.

(d) An employee of a licensee shall not provide alcoholic beverages or beer to a person under twenty-one (21) years of age or who is visibly intoxicated. An employee of a licensee who is providing alcoholic beverages or beer shall inspect a valid, government-issued photo identification card that is acceptable to the licensee and that contains the photograph and birthdate of the purchaser confirming that the purchaser is at least twenty-one (21) years of age.

(e) Sales of alcoholic beverages and beer made under this section must be in accordance with the hours for sale of alcoholic beverages under § 57-4-203(d) or beer under § 57-5-301(b), as applicable.

(f) A licensee shall collect the liquor by the drink tax imposed on alcoholic beverages under § 57-4-301(c)(1) for all sales of alcoholic beverages made under this section in accordance with § 57-4-301(c)(2). A licensee shall not collect such tax on the sale of beer.

(g) As used in this section, "licensee" means a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter to sell alcoholic beverages and beer by the drink for consumption on the premises.

[57-4-203]

SECTION 2. Tennessee Code Annotated, Section 57-4-203(e), is amended by adding the following new subdivision:

(5) Notwithstanding this subsection (e) to the contrary, in addition to any manner in which a licensee may sell alcoholic beverages or beer under this subsection (e), a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter may sell alcoholic beverages and beer in accordance with SECTION 1 of this act.

[57-4-203]

SECTION 3. Tennessee Code Annotated, Section 57-4-203(f), is amended by deleting the period at the end of the sentence and substituting instead “other than the sale of alcoholic beverages and beer in accordance with SECTION 1 of this act.”

[57-4-112; 57-4-203]

SECTION 4. This act is only effective in jurisdictions that have passed referenda authorizing the retail sale of liquor and the sale of liquor by the drink under Tennessee Code Annotated, Title 57.

[Effective date 5/14/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it. The provisions contained in this act terminate on July 1, 2023, and the law in effect prior to this act's effective date must be restored.

PUBLIC CHAPTER NO. 452**HOUSE BILL NO. 1233**

By Representatives Zachary, Lamberth, Faison, Gant, Howell, Sherrell, Grills, Moon, Carringer, Cochran, Ragan, Cepicky, Doggett, Weaver, Sparks, Jerry Sexton, Crawford, Powers, Smith, Todd, Carr, Lynn, Hurt

Substituted for: Senate Bill No. 1367

By Senators Bell, Rose

AN ACT to amend Tennessee Code Annotated, Title 49, relative to the Tennessee Accommodations for All Children Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 49, ch. 2, part 8]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding Sections 2-6 as a new part.

[49-2-801]

SECTION 2. This part is known and may be cited as the "Tennessee Accommodations for All Children Act."

[49-2-802]

SECTION 3. As used in this part:

(1) "Changing facility" means an area in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room;

(2) "Reasonable accommodation" includes, but is not limited to, access to a single-occupancy restroom or changing facility or use of an employee restroom or changing facility. "Reasonable accommodation" does not include the following:

(A) Access to a restroom or changing facility that is designated for use by members of the opposite sex while members of the opposite sex are present or could be present;

(B) Requesting that a school construct, remodel, or in any way perform physical or structural changes to a school facility; or

(C) Requesting that a school limit access to a restroom or changing facility that is designated for use by members of the opposite sex, if limiting access results in a violation of state or local building codes or standards;

(3) "Restroom" means a facility that includes one (1) or more toilets or urinals; and

(4) "Sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth.

PUBLIC CHAPTER NO. 452 (cont'd)

Evidence of a person's biological sex includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate.

[49-2-803]

SECTION 4.

(a) A public school shall, to the extent practicable, provide a reasonable accommodation to a student, teacher, or employee of the public school who:

(1) Desires greater privacy when using a multi-occupancy restroom or changing facility designated for the student's, teacher's, or employee's sex and located within a public school building, or when using multi-occupancy sleeping quarters designated for the student's, teacher's, or employee's sex while the student, teacher, or employee is attending a public school-sponsored activity; and

(2) Provides a written request for a reasonable accommodation to the school principal. If the student requesting a reasonable accommodation is under eighteen (18) years of age, then the student's parent or legal guardian must provide the written request on the student's behalf.

(b) The school principal shall evaluate the request on behalf of the public school and, to the extent practicable, provide a reasonable accommodation. The principal shall issue a decision approving or denying the request in writing. If the principal denies the request, then the grounds for denial must be provided in the principal's written decision.

(c) This section does not prohibit public schools from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act, (42 U.S.C. § 12101 et seq.), or persons in need of physical assistance when using restrooms or changing facilities located in public schools.

[49-2-804]

SECTION 5.

(a) If a written request for a reasonable accommodation is denied by the principal, then the student, teacher, or employee, or the student's parent or legal guardian, as applicable, may appeal the decision to the director of schools, or to the director's designee, by submitting a written request for an appeal to the director of schools, or the director's designee, within fifteen (15) calendar days of the individual's receipt of the principal's written decision denying their request for accommodation. The director of schools, or the director's designee, shall investigate and attempt to resolve the complaint within fifteen (15) calendar days of the director of schools', or the director's designee's, receipt of the written request for an appeal.

PUBLIC CHAPTER NO. 452 (cont'd)

(b) If a written request for a reasonable accommodation is denied by the director of schools, or the director's designee, then the student, teacher, or employee, or the student's parent or legal guardian, as applicable, may appeal the director of schools', or the director's designee's, decision by requesting a hearing on the matter before an impartial hearing officer selected by the local board of education. To appeal the director of schools', or the director's designee's, decision:

(1) The student, teacher, or employee, or the student's parent or legal guardian, as applicable, must give written notice to the director of schools, or to the director's designee, of the individual's request for a hearing within fifteen (15) calendar days of the individual's receipt of the director of schools', or the director's designee's, decision denying the request for accommodation;

(2) The director of schools, or the director's designee, shall name an impartial hearing officer within five (5) days following the director of schools', or the director's designee's, receipt of a request for a hearing. The impartial hearing officer shall notify all parties of the hearing officer's assignment and schedule a hearing no later than thirty (30) days following the director of schools', or the director's designee's, receipt of the individual's request for a hearing. The impartial hearing officer may conduct all or part of the hearing by telephone if each participant has an opportunity to participate by telephone;

(3) The hearing must be conducted privately; and

(4) The impartial hearing officer shall, within ten (10) days of the hearing's conclusion, provide a written decision to all parties.

(c) As used in this section, "impartial" means that the selected hearing officer has no history of employment with the local board of education or the director of schools, and has no relationship with any member of the respective local board of education or with the person requesting the hearing.

[49-2-805]

SECTION 6.

(a) A student, teacher, or employee of the public school, or the student's parent or legal guardian if the student is under eighteen (18) years of age, has a private right of action against the LEA or public school, if:

(1)

(A) The student, teacher, or employee encounters a member of the opposite sex in a multi-occupancy restroom or changing facility located in a public school building;

(B) The student, teacher, or employee is in a multi-occupancy restroom or changing facility designated for the student's, teacher's, or employee's sex at the time of the encounter; and

PUBLIC CHAPTER NO. 452 (cont'd)

(C) The LEA or public school intentionally allowed a member of the opposite sex to enter the multi-occupancy restroom or changing facility while other persons were present; or

(2) The student, teacher, or employee is required by the public school to share sleeping quarters with a member of the opposite sex, unless the member of the opposite sex is a family member of the student, teacher, or employee.

(b) A student, teacher, or employee, or a student's parent or legal guardian, as applicable, claiming a right of action pursuant to this section may bring suit in the chancery court in the county where the claim arose.

(c) A student, teacher, or employee, or a student's parent or legal guardian, as applicable, aggrieved under this section who prevails in court may recover monetary damages, including, but not limited to, monetary damages for all psychological, emotional, and physical harm suffered. An individual who prevails on a claim brought pursuant to this section is entitled to recover reasonable attorney fees and costs.

(d) This section does not limit other remedies at law or equity available to the aggrieved person against the public school.

(e) A civil action brought pursuant to this section must be initiated within one (1) year from when the date on which the claim arose.

[Effective date 7/1/2021]

SECTION 7. This act takes effect July 1, 2021, the public welfare requiring it, and applies to private rights of action accruing on or after July 1, 2021.

PUBLIC CHAPTER NO. 453**HOUSE BILL NO. 1182**

By Representatives Rudd, Cepicky, Griffey, Sherrell, Moody, Todd

Substituted for: Senate Bill No. 1224

By Senators Rose, Hensley, Pody

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 49 and Title 68, relative to public facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-120-120]

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding the following as a new section:

(a) A public or private entity or business that operates a building or facility open to the general public and that, as a matter of formal or informal policy, allows a member of either biological sex to use any public restroom within the building or facility shall post notice of the policy at the entrance of each public restroom in the building or facility.

(b) Signage of the notice must be posted in a manner that is easily visible to a person entering the public restroom and must meet the following requirements:

(1) Be at least eight inches (8") wide and six inches (6") tall;

(2) The top one-third (1/3) of the sign must have a background color of red and state "NOTICE" in yellow text, centered in that portion of the sign;

(3) The bottom two-thirds (2/3) of the sign must contain in boldface, block letters the following statement centered on that portion of the sign:

THIS FACILITY MAINTAINS A POLICY OF ALLOWING THE USE OF RESTROOMS BY EITHER BIOLOGICAL SEX, REGARDLESS OF THE DESIGNATION ON THE RESTROOM

(4) Except as provided in subdivision (b)(2), have a background color of white with type in black; and

(5) Be located on a door to which the sign must be affixed or have its leading edge located not more than one foot (1') from the outside edge of the frame of a door to which the sign must be affixed.

(c) If an entity or business is notified that it is not in compliance with this section, the entity or business has thirty (30) days in which to comply before any action is taken against the entity or business.

(d) As used in this section:

PUBLIC CHAPTER NO. 453 (cont'd)

(1) "Policy" means the internal policy of a public or private entity or such policy as the result of a rule, ordinance, or resolution adopted by an agency or political subdivision of this state; and

(2) "Public restroom":

(A) Includes a locker room, shower facility, dressing area, or other facility or area that is:

(i) Open to the general public;

(ii) Designated for a specific biological sex; and

(iii) A facility or area where a person would have a reasonable expectation of privacy; and

(B) Excludes a unisex, single-occupant restroom or family restroom intended for use by either biological sex.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 454

SENATE BILL NO. 912

By Johnson, Jackson, Massey, Stevens, Watson

Substituted for: House Bill No. 1153

By Lamberth, Gant, Hazlewood, Gary Hicks, Williams, White, Marsh, Moon

AN ACT to make appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2020, and July 1, 2021, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state; for certain state aid and obligations; for capital outlay, for the service of the public debt, for emergency and contingency; to repeal certain appropriations and any acts inconsistent herewith; to provide provisional continuing appropriations; and to establish certain provisions, limitations and restrictions under which appropriations may be obligated and expended. This act makes appropriations for the purposes described above for the fiscal years beginning July 1, 2020, and July 1, 2021.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. That appropriations hereinafter set out are hereby made for the purpose of defraying the expenses of state government for the fiscal year beginning July 1, 2021, in the administration, operation and maintenance of the legislative, executive and judicial branches of the various departments, institutions, offices and agencies of the state, and for certain state aid and obligations and for capital outlay; for the service of the public debt, and for emergency and contingency, all according to the following schedule:

I. LEGISLATIVE 2021-2022			
1. Legislature			
1.1 General Assembly Support Services.....	\$		
9,749,600.00			
1.2		House	of
Representatives.....		23,686,600.00	
1.3			State
Senate.....		13,489,700.00	
1.4		Legislative	Administration
Services.....		8,900,800.00	
1.5		Tennessee	Code
Commission.....		68,900.00	
Total Legislature.....	\$		
55,895,600.00			
2. Fiscal Review Committee.....			
1,748,800.00			

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Total	Title	I.....	\$
57,644,400.00			
	II. JUDICIAL		
	1. Appellate and Trial Courts.....		
\$ 71,569,500.00			
	2. Supreme Court Buildings.....		
2,824,800.00			
	3. Child Support Referees.....		
962,700.00			
	4. Guardian Ad Litem.....		
11,047,500.00			
	5. Indigent Defendants' Counsel.....		
41,800,700.00			
	6. Civil Legal Representation Fund.....		
... 3,327,900.00			
	7. Court Interpreter Services.....		
2,454,100.00			
	8. Verbatim Transcripts.....		
4,933,200.00			
	9. Tennessee State Law Libraries.....		
74,500.00			
	10. Council of Juvenile and Family Court Judges.....		
60,300.00			
	11. Judicial Conference.....		
373,700.00			
	12. Judicial Programs and Commissions.....		
413,500.00			
	13. State Court Clerks' Conference.....		
260,100.00			
	14. Administrative Office of the Courts.....		
12,029,000.00			
15.	Appellate	Court	Cler
ks.....		1,050,600.00	
	16. Board of Law Examiners.....		
1,026,500.00			
	17. Board of Professional Responsibility.....		
3,974,600.00			
	18. Tennessee Lawyers Assistance Program.....		
534,100.00			
19.	Continuing		Legal
Education.....		981,000.00	
	20. Client Protection Fund.....		
.... 208,500.00			

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Total Title II.....	\$
159,906,800.00	
III. EXECUTIVE	
1. Constitutional and Quasi-Judicial Offices	
1. Attorney General and Reporter	
1.1 Attorney General and Reporter.....	\$
35,524,800.00	
1.2 Publication of Tennessee Reports.....	
286,400.00	
1.3 Special Litigation.....	
289,700.00	
Total Attorney General and Reporter.....	\$
36,100,900.00	
2. District Attorneys General Conference	
2.1 District Attorneys General.....	\$
104,317,300.00	
2.2 Education, Training, and Strategic Planning.....	
467,300.00	
2.3 Executive Director.....	
2,779,000.00	
Total District Attorneys General Conference.....	\$
107,563,600.00	
3. Secretary of State	
3.1 Secretary of State.....	\$
13,101,800.00	
3.2 State Election Commission.....	
1,610,600.00	
3.3	Public
Documents.....	392,700.00
3.4 State Library and Archives.....	
12,562,700.00	
3.5 Regional Library System.....	
7,394,600.00	
3.6 Bureau of Ethics and Campaign Finance.....	
876,100.00	
3. 7 Charitable Solicitations and Charitable Gaming.....	
390,600.00	
3.8 Fantasy Sports.....	
208,000.00	
Total Secretary of State.....	\$
36,537,100.00	
4. District Public Defenders Conference	

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4.1 District Public Defenders.....	\$
55,984,600.00	
4.2	Executive
Director.....	2,449,900.00
4.3 Shelby County Public Defender.....	
5,745,200.00	
4.4 Davidson County Public Defender.....	
2,510,900.00	
Total District Public Defenders Conference.....	\$
66,690,600.00	
5. Comptroller of the Treasury	
5.1 Administration and Support Services.....	\$
1,800,600.00	
5.2 Office of Management Services.....	
3,452,600.00	
5.3 Division of State Audit.....	
13,359,500.00	
5.4 Division of Local Government Audit.....	
10,432,600.00	
5.5 Communications and Public Affairs Office.....	
624,200.00	
5.6 Office of State Government Finance.....	
536,400.00	
5. 7 Division of Property Assessments.....	
9,631,100.00	
5.8 Tax Relief.....	
41,265,100.00	
5.9 State Board of Equalization.....	
1,037,900.00	
5.10 Office of Research and Education Accountability.....	
1,363,600.00	
5.11 Office of State Assessed Properties.....	
1,236,900.00	
5.12 Division of Technology Solutions.....	
9,280,100.00	
5.13 Division of Investigations.....	
3,776,200.00	
5.14 Division of Local Government Finance.....	
1,361,000.00	
5.15 Office of General Counsel.....	
1,140,000.00	
Total Comptroller of the Treasury.....	\$
100,297,800.00	

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6. Office of the Post-Conviction Defender.....	
\$ 2,803,200.00	
7. Treasury Department	
7.1 Treasury Department.....	\$
1,779,600.00	
7.2 Certified Public Administrators.....	
407,300.00	
7.3 TN Stars College Savings 529 Program.....	
920,800.00	
7.4 Electronic Monitoring Indigency Fund.....	
3,407,700.00	
Total Treasury Department.....	\$
3,407,700.00	
8. Claims and Compensation	
8.1 Criminal Injuries Compensation.....	\$
12,248,000.00	
Total Claims and Compensation.....	\$
12,248,000.00	
Total Title 111-1.....	\$
365,648,900.00	

The appropriation made under Title 111-1, Item 8.1, may be increased or decreased as realized receipts of the Criminal Injuries Compensation Fund justify, subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51. To the extent that receipts of the fund are insufficient to meet the fund's expenditure requirements, there is hereby appropriated a sum sufficient to support such expenditures.

2. Executive Offices	
1. Executive Department	
1.1 Governor's Office.....	\$
5,711,000.00	
Total Executive Department.....	\$
5,711,000.00	
2. Commissions	
2.1 Commission on Children and Youth.....	\$
3,479,500.00	
2.2 Commission on Aging and Disability.....	
15,879,900.00	
2.3 Human Rights Commission.....	
1,945,100.00	
2.4 Health Services and Development Agency.....	
1,292,400.00	

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2.5	Corrections Institute.....	
	1,916,200.00	
2.6	Tennessee Public Utility Commission.....	
	6,997,000.00	
2.7	Advisory Commission on Intergovernmental Relations.....	
	164,600.00	
2.8	Council on Developmental Disabilities.....	
	219,500.00	
2.9	Arts Commission.....	
	8,329,000.00	
2.10	State Museum.....	
	9,089,600.00	
	Total Commissions.....	\$
	49,312,800.00	
3.	Department of Finance and Administration	
3.1	Division of Administration.....	\$
	2,969,900.00	
3.2	Strategic Technology Solutions (STS) Operations.....	
	1,796,800.00	
3.3	Division of Accounts.....	
	2,730,500.00	
3.4	Division of Budget.....	
	6,725,600.00	
3.5	Criminal Justice Programs.....	
	9,631,200.00	
3.6	Volunteer Tennessee.....	
	297,600.00	
3.7	Vehicle Tag and Analogous Fees.....	
	297,600.00	
	Total Department of Finance and Administration.....	\$
	28,151,600.00	
4.	Department of General Services	
4.1	Real Estate Asset Management.....	\$
	5,793,700.00	
4.2	Printing and Media Services.....	
	343,100.00	
4.3	Governor's Early Literacy	
	Foundation.....	4,825,000.00
4.4	State Facilities Pre-Planning.....	
	1,086,200.00	
4.5	Statewide Capital Maintenance.....	
	40,191,100.00	

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4.6	Motor	Vehicle
Management.....	500.00	
Total Department of General Services.....		\$
52,239,600.00		
5. Department of Veterans Services		
5.1 Administration.....		\$
4,648,900.00		
5.2 Tennessee State Veterans Cemeteries.....		
2,295,900.00		
Total Department of Veterans Services.....		\$
6,944,800.00		
Total Title 111-2.....		\$
142,359,800.00		
3. Department of Agriculture		
1. Administration and Grants.....		
\$ 28,182,700.00		
2. Consumer and Industry Services.....		
5,975,900.00		
3. Business Development.....		
13,018,700.00		
4. Agricultural Resources Conservation Fund.....		
... 3,187,500.00		
5. Forestry Operations.....		
21,416,900.00		
6. Forestry Maintenance.....		
157,200.00		
7. Certified Cotton Growers' Organization Fund.....		
.... 250,000.00		
8. Agricultural Regulatory Fund.....		
.... 11,272,100.00		
9. Animal Health.....		
4,581,600.00		
Total Title 111-3.....	\$88,042,600.00	
4. Department of Tourist Development		
1. Administration and		
Marketing.....	\$ 24,814,600.00	
2. Welcome Centers.....		
1,904,000.00		
Total Title 111-4.....	\$26,718,600.00	
5. Department of Environment and Conservation		
1. Administrative Services.....		
\$ 23,434,700.00		

PUBLIC CHAPTER NO. 454 (cont'd)

2. Recreation Educational Services.....	709,700.00
3. Archaeology.....	959,700.00
4. Geology.....	255,700.00
5. Tennessee State Parks.....	88,022,800.00
6. State Parks Maintenance.....	5,029,100.00
7. Natural Areas.....	1,296,400.00
8. Historical Commission.....	3,353,400.00
9. Maintenance of Historic Sites.....	500,000.00
10. West Tennessee River Basin Authority.....	1,389,800.00
11. West Tennessee River Basin Authority Maintenance.....	1,615,500.00
12. Administration.....	Environment 639,000.00
13. Used Oil Collection Program.....	1,318,900.00
14. Tennessee Dry Cleaners Environmental Response Fund.....	1,939,900.00
15. Control.....	Air Pollution 2,912,400.00
16. th.....	Radiological Heal 689,500.00
17. Division of Water Resources.....	15,171,700.00
18. Solid Waste Management.....	2,282,800.00
19. Abandoned Lands.....	1,371,000.00
20. Hazardous Waste Remedial Action Fund..... 1,000,000.00
21. Underground Storage Tanks.....	23,629,200.00
22. Solid Waste Assistance.....	6,985,200.00

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23. Environmental Protection Fund.....			
.... 54,770,400.00			
24. Clean Water and Drinking Water State Revolving Fund.....	5,848,300.00		
25. Office of Sustainable Practices.....			
1,748,500.00			
26. Office of Energy Programs.....			
34,800.00			
27. State Facility Utility Management.....	292,800.00		
28. State Lands Compensation Fund.....			
.... 145,000.00			
29. Conservation Compensation Fund.....			
.... 12,000.00			
30. Local Parks Acquisition Fund.....			
.... 3,718,700.00			
31. State Lands Acquisition Fund.....			
.... 3,718,700.00			
Total Title 111-5.....			\$
254,144,400.00			
6. Tennessee Wildlife Resources Agency			
1. Wildlife Resources Agency.....			
\$ 47,153,100.00			
2. Boating Safety.....			
7,371,000.00			
3. Wetlands Acquisition Fund.....			
.. 8,708,000.00			
4. Wetlands Compensation Fund.....			
.. 555,900.00			
Total Title 111-6.....			\$63,788,000.00
The appropriation made under Title 111-6 may be increased or decreased as realized receipts of the Wildlife Resources Fund justify, subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.			
7. Department of Correction			
1. Administration.....			
\$ 50,285,600.00			
2. Office of Investigations and Conduct.....			
7,241,100.00			
3. Correction Academy.....			
6,812,200.00			
4. Probation and Parole Field Supervision.....			
115,531,000.00			

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5. Community Corrections.....				
5,795,500.00				
6. Sex Offender Treatment Program.....				
1,880,300.00				
7. State Prosecutions.....				
171,628,400.00				
8. Correction Release Centers.....				
2,406,100.00				
9. Debra K. Johnson Rehabilitation Center.....				
33,532,500.00				
10. Turney Center Industrial				
Complex.....		47,132,900.00		
11. Mark Luttrell Transition				
Center.....		17,320,100.00		
12. Bledsoe County Correctional Complex.....				
78,791,500.00				
13. West Tennessee State Penitentiary.....				
77,903,200.00				
14. Riverbend Maximum Security				
Institution.....		35,833,500.00		
15. Northeast Correctional				
Complex.....		50,637,600.00		
16. Northwest Correctional				
Complex.....		68,577,900.00		
17. Morgan County Correctional				
Complex.....		75,040,800.00		
18. Lois M. DeBerry Special Needs Facility.....				
58,221,300.00				
19. Hardeman County Incarceration				
Agreement.....		44,816,100.00		
20. Hardeman County Agreement-Whiteville.....				
39,342,500.00				
21. South Central Correctional				
Facility.....		42,054,900.00		
22. Trousdale County Incarceration				
Agreement.....		67,792,300.00		
23. Sentencing Act of 1985.....				
... 52,760,700.00				
24. Major				
Maintenance.....				
12,930,400.00				
Total Title 111-7.....				\$
1,164,268,400.00				

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8. Department of Economic and Community Development			
1. Administrative Services.....			
\$ 6,465,500.00			
2. Business Development.....			
9,845,000.00			
3. Innovation Programs.....			
150,000.00			
4. Headquarters Relocation Assistance.....			
400,900.00			
5. Policy and Federal Programs.....			
714,800.00			
6. Economic Development District Grants.....			
1,876,100.00			
7. FastTrack Infrastructure and Job Training Assistance.....			
102,000,000.00			
8. Film and Television Incentive Fund.....			
... 2,542,500.00			
9. Community and Rural Development.....			
224,056,400.00			
Total Title 111-8.....			\$
348,051,200.00			
9. Department of Education			
1. Administrative Services			
1.1 Administration.....			\$
32,819,000.00			
1.2 State Board of Education.....			
2,242,300.00			
2. Pre-Kindergarten, Kindergarten, Elementary, and Secondary			
2.1 State Programs			
a. Centers of Regional Excellence (CORE).....			
74,434,900.00			
b. Career Ladder.....			
10,258,900.00			
c. Basic Education Program.....			
5,178,325,000.00			
d. Driver Education.....			
1,700,000.00			
e. Academic Offices.....			
10,549,200.00			
f. Grants-In-Aid.....			
4,525,600.00			
g. Technology, Infrastructure, and Support Systems.....			
6,338,600.00			

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h. Data and Research.....	
33,394,600.00	
i. Early Childhood Education.....	
90,848,000.00	
j. Charter School Commission.....	
707,300.00	
k. Non-Public Education Choice Programs.....	
29,022,000.00	
l. After-School Programs Special Account (Lottery-Funded).	
32,757,800.00	
2.2 Federally Funded and Supported Programs	
a. Improving Schools Program.....	
35,961,700.00	
b. School Nutrition Program.....	
4,812,800.00	
c. Special Education Services.....	
1,079,000.00	
d. ESSA and Federal Programs.....	
946,500.00	
3. College, Career and Technical Education.....	
4. Special Schools	
4.1 Alvin C. York Institute.....	
5,865,400.00	
4.2 Tennessee School for the Blind.....	
13,812,600.00	
4.3 Tennessee School for the Deaf.....	
18,271,700.00	
4.4 West Tennessee School for the Deaf.....	
3,055,400.00	
4.5 Major Maintenance.....	
239,100.00	
Total Title 111-9.....	\$
5,602,518,200.00	
10. Higher Education	
1. Administration and Support Services	
1.1 Tennessee Higher Education Commission.....	\$
5,560,500.00	
1.2 Contract Education.....	
2,577,000.00	
1.3 Tennessee Student Assistance Awards.....	
117,262,500.00	
1.4 Tennessee Student Assistance Corporation.....	
2,114,800.00	

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1.5 Loan/Scholarship Programs.....	
778,200.00	
1.6 THEC Grants.....	
22,917,200.00	
1. 7 Lottery for Education Account (Lottery-Funded).....	
369,000,000.00	
1.8 Higher Education Capital Maintenance.....	
50,000,000.00	
2. Excellence Initiatives	
2.1 Academic Scholars Program.....	
1,211,800.00	
2.2 Centers of Excellence.....	
19,038,200.00	
2.3 Campus Centers of Emphasis.....	
1,380,400.00	
Total Administration and Support Services and Excellence Initiatives.....	\$
591,840,600.00	
3. University of Tennessee System	
3.1 Administrative and Other Services	
a. UT University-Wide Administration.....	\$
12,411,500.00	
b. UT Institute for Public Service.....	
6,328,000.00	
c. UT Municipal Technical Advisory Service.....	
3,973,900.00	
d. UT County Technical Assistance Service.....	
3,395,500.00	
e. UT Access and Diversity Initiative.....	
5,806,700.00	
f. UT Space Institute.....	
9,644,800.00	
g. UT Research Initiatives.....	
5,852,900.00	
h. Tennessee Foreign Language Center.....	787,000.00
3.2 Agricultural Services	
a. UT Agricultural Experiment Station.....	
32,444,700.00	
b. UT Agricultural Extension Service.....	40,
193,600.00	
c. UT Veterinary Medicine.....	
24,096,200.00	

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3.3 Medical Education	
a. UT Health Science Center.....	
177,080,600.00	
3.4 University Campuses	
a. UT Chattanooga.....	
63,931,900.00	
b. UT Knoxville.....	
265,110,700.00	
c. UT Martin.....	36,653,100.00
Total University of Tennessee System.....	\$ 687,711,100.00
4. Tennessee Board of Regents System	
4.1 Administration and Other Services	
a. Tennessee Board of Regents.....	\$ 18,741,000.00
b. Regents Access and Diversity Initiative.....	10,256,900.00
4.2 Medical Education	
a. ETSU College of Medicine.....	40,622,400.00
b. ETSU Family Practice.....	8,585,000.00
4.3 Locally Governed Institutions	
a. Austin Peay State University.....	58,052,100.00
b. East Tennessee State University.....	78,041,200.00
c. University of Memphis.....	133,278,400.00
d. Middle Tennessee State University.....	116,483,700.00
e. Tennessee State University.....	43,152,500.00
f. Tennessee Technological University.....	64,215,300.00
4.4 Tennessee Community Colleges.....	321,107,300.00
4.5 Tennessee Colleges of Applied Technology.....	79,857,600.00
4.6 Agricultural Centers	

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a.	TSU	McMinnville
Center.....	1,465,900.00	
b. TSU Institute of Agricultural and Environmental Research.....	4,860,100.00	
c. TSU Cooperative Education.....	3,867,200.00	
d. TSU McIntire-Stennis Forestry Research.....	207,800.00	
Total Tennessee Board of Regents System.....	\$ 982,794,400.00	
Total Title 111-10.....	\$ 2,262,346,100.00	
11. Department of Commerce and Insurance		
1. Administration.....	\$ 1,853,600.00	
2. Cemetery Consumer Protection Fund.....	.. 361,200.00	
3. Pre-Need Funeral Consumer Protection Fund.....	... 350,100.00	
4. Fire Service and Codes Enforcement Academy.....	2,912,100.00	
5. Fire Fighting Personnel Standards and Education.....	5,560,300.00	
6. Peace Officer Standards and Training (POST) Commission.....	12,562,000.00	
7. Tennessee Law Enforcement Training Academy.....	3,888,600.00	
8. 911 Emergency Communications Fund.....	.. 147,001,900.00	
9. Regulatory Boards.....	21,711,200.00	
9.1 Real Estate Education and Recovery Fund.....	297,500.00	
9.2 Auctioneer Education and Recovery Fund.....	82,800.00	
10. Fire Prevention.....	250,000.00	
11. Insurance.....	2,188,400.00	
Total Title 111-11.....	\$ 199,019,700.00	
12. Department of Financial Institutions.....	\$ 30,459,700.00	

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Total Title 111-12.....	\$ 30,459,700.00
13. Department of Labor and Workforce Development	
1. Administration.....	
\$ 4,669,800.00	
2. Tennessee Occupational Safety and Health Administration.....	
6,222,800.00	
3. Mines.....	
285,900.00	
4. Boilers, Elevators, and Amusement Devices.....	
6,841,600.00	
5. Labor Standards.....	
1,209,400.00	
6. Workers' Compensation.....	
14,583,100.00	
7. Workers' Compensation Employee Misclassification.....	
1,160,200.00	
8. Subsequent Injury and Vocational Recovery Fund.....	
8,578,900.00	
9. Adult Basic Education.....	
4,080,100.00	
10. Unemployment Insurance.....	409,800.00
11. Workforce Services.....	2,000,000.00
Total Title 111-13.....	\$ 50,041,600.00
14. Department of Mental Health and Substance Abuse Services	
1. Administrative Services Division.....	
\$ 18,123,200.00	
1. Appellate and Trial Courts.....	\$ 71,569,500.00
2. Mental Health Services	
2.1 Middle Tennessee Mental Health Institute.....	45,060,800.00
2.2 Western Mental Health Institute.....	30,518,500.00
2.3 Moccasin Bend Mental Health Institute.....	34,556,100.00
2.4 Memphis Mental Health Institute.....	18,900,100.00
2.5 Community Mental Health Services.....	122,306,700.00
2.6 Major Maintenance.....	450,000.00

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3. Community Substance Abuse Services.....
55,385,900.00

Total Title III-14.....\$ 325,301,300.00

15. Department of Military

1

Administration.....\$
3,816,600.00

2. Army National Guard.....
1,163,700.00

3. Air National Guard.....
2,719,300.00

4. Tennessee Emergency Management Agency.....
7,705,500.00

5. TEMA Disaster Relief Grants.....
4,000,000.00

6. Armories Utilities.....
1,285,600.00

7. Armories Maintenance.....
1,049,500.00

8. Station Commanders Upkeep and Maintenance Fund.....
150,000.00

Total Title III-15.....\$ 21,890,200.00

16. Department of Health

1. Administration

1.1 Administration.....\$
17,509,900.00

1.2 Public Health Policy, Planning, and Informatics.....
5,927,200.00

2. Manpower Resources and Facilities

2.1 Health Licensure and Regulation.....
10,007,100.00

2.2 Emergency Medical Services.....
178,500.00

2.3 Laboratory Services.....
10,206,100.00

2.4 Health Related Boards.....
23,351,100.00

2.5 Trauma System Fund.....
8,500,000.00

3. Community Health Services

3.1 Environmental Health.....
10,940,100.00

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3.2 Family Health and Wellness.....	13,895,300.00
3.3 Communicable and Environmental Disease and Emergency Preparedness.....	12,318,000.00
3.4 Community and Medical Services.....	25,522,800.00
4. Health Services.....	87,273,900.00
Total Title III-16.....	\$ 225,630,000.00
17. Department of Human Services	
1. Administration	
1.1 Administration.....	\$ 37,904,700.00
1.2 County Rentals.....	8,010,700.00
1.3 Appeals and Hearings.....	5,312,900.00
2. Family Assistance Services	
2.1 Child Support.....	15,847,200.00
2.2 Family Assistance Services.....	70,432,200.00
2.3 Temporary Cash Assistance.....	6,421,300.00
2.4 Child Care Benefits.....	9,307,200.00
3. Community Services.....	16,749,400.00
4. Rehabilitative Services	
4.1 Rehabilitation Services.....	16,917,600.00
Total Title III-17.....	\$ 186,903,200.00
18. Department of Revenue	
1. Administration Division.....	\$ 6,699,500.00
2. Collection Services.....	6,561,500.00
3. Tennessee Revenue Registration and Reporting System.....	10,973,600.00
4. Taxpayer Services Division.....	9,423,100.00

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5. Processing Division.....	
2,745,600.00	
6. Audit Division.....	
22,750,100.00	
7. Anti-Theft Unit.....	
1,939,000.00	
8. Sales Tax Disaster Relief.....	
250,000.00	
9. Tax Refund Interest Expense.....	
2,500,000.00	
10. Vehicle Services Division.....	
16,323,000.00	
11. Computerized Title and Registration System.....	
4,987,400.00	
12.	Insurance
Verification.....	2,115,000.00
Total Title III-18.....	\$ 87,267,800.00
19. Tennessee Bureau of Investigation.....	\$
64,410,300.00	
Total Title III-19.....	\$ 64,410,300.00
20. Department of Safety	
1	.
Administration.....	\$
12,056,600.00	
2. Driver License Issuance.....	
24,505,300.00	
3. Highway Patrol.....	
133,745,800.00	
4. Office of Homeland Security.....	
2,770,800.00	
5. Technical Services.....	
287,000.00	
6. Driver Education.....	
298,200.00	
7. Motorcycle Rider Education.....	
529,900.00	
8. Communications.....	
22,122,500.00	
9. Tennessee Highway Safety Office.....	
357,900.00	
10. Major Maintenance.....	
9,600.00	
Total Title III-20.....	\$ 196,683,600.00

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21. Department of Finance and Administration, Strategic Health-Care Programs

1. CoverKids.....	\$
47,065,900.00	
2. CoverRx.....	
7,354,600.00	
3. Health-Care Planning and Innovation.....	
489,200.00	
Total Title III-21.....	\$ 54,909,700.00

22. Miscellaneous Appropriations

1. State Employee Benefits	
1.1 State Employees' Unemployment Compensation, Sick Leave, Death Benefit Payments and Terminal Leave Payments.....	\$ 200,000.00
1.2 Public Employees in the Military... Sick Leave in Lieu of Annual Leave.....	50,000.00
2. Consolidated Retirement System and Insurance	
2.1 Former Governors and Widows of Former Governors – Pensions.....	450,000.00
2.2 Retirees Health Insurance.....	25,340,000.00
2.3 Retired Teachers Insurance.....	21,540,000.00
2.4 TCRS – Retirement Contribution Rate Increase.....	31,019,500.00
2.5 Hybrid Retirement Plan Conversion.....	49,321,100.00
3. Group Health Insurance	
3.1 Group Health Insurance and Other PostEmployment Benefits.....	23,637,600.00
4. State Employee Compensation	
4.1 Deferred Compensation – 401K Match – State Employees.....	9,197,000.00
4.2 TEAM Act – Performance Bonus Pool.....	30,181,900.00
4.3 TEAM Act – Performance Pay Pool.....	65,057,900.00
4.4 Non-TEAM Act – Salary Pool.....	14,512,000.00
4.5 Market Rate Adjustment.....	41,204,500.00

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5. Attorney's Fees – Civil Rights Cases.....	500,000.00
6. Homeland Security Emergency Fund.....	.. 1,100,000.00
7. Special Election Reimbursement to Counties.....	500,000.00
8. Intergovernmental Conference Dues.....	.. 650,000.00
9. Statewide Rate Adjustments	
9.1 MVM – Purchase of New Vehicles.....	3,500,000.00
9.2 FRF Rent Adjustment.....	2,102,500.00
9.3 STS – Security Initiatives.....	108,100.00
9.4 STS – MyTN.Gov Implementation.....	2,500,000.00
9.5 STS – Microsoft Office 365 Migration.....	1,808,400.00
9.6 Postage Rate Increase – State Agencies.....	600,000.00
9.7 Risk Management.....	16,821,900.00
9.8 Internal Service Fund Billings.....	5,500,000.00
9.9 Enterprise Data Analytics.....	1,700,000.00
9.10 Java.....	367,000.00
9.11 Microsoft United Support.....	650,000.00
9.12 Multi-Factor Authentication.....	1,300,000.00
9.13 Wireless.....	2,550,000.00
9.14 STS – Citizen Scheduling Application.....	1,482,000.00
9.15 STS – Process Automation and Efficiencies.....	7,000,000.00
10. Grants	
10.1 Criminal Justice Programs.....	693,500.00

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10.2 Tennessee Association of Rescue Squads.....	100,000.00
10.3 Volunteer Rescue Squad – \$25,000 Death Benefit.....	25,000.00
10.4 Emergency Responder Death Benefit.....	25,000.00
10.5 Death Benefit for Certain Emergency Responders.....	75,000.00
10.6 Health Insurance for Immediate Family Members of First Responders.....	8,400.00
10.7 YMCA Youth Legislature.....	25,000.00
10.8 YMCA Community Action Program.....	350,000.00
10.9 Forensic Center at Quillen College of Medicine.....	100,000.00
10.10 UT CBER – Research Assistance.....	159,200.00
10.11 UT CBER – State Census Data Center.....	278,000.00
10.12 Civil Rights Museum.....	250,000.00
10.13 Swipe and Ride Benefit.....	500,000.00
10.14 American Battle Monuments Commission – Maintenance of Tennessee World War I Monuments in France.....	3,500.00
10.15 Green McAdoo Cultural Center Grant.....	100,000.00
10.16 Motor Vehicle Registration Fee Exemption for Volunteer Fire Fighters and Rescue Squad Members.....	17,800.00
10.17 National Foundation for Women Legislators.....	165,000.00
10.18 TBI Information System – AFIS Upgrade.....	4,000,000.00
10.19 UT – Oak Ridge Institute.....	8,000,000.00
10.20 Legal Expenses.....	5,000,000.00
10.21 Rural Education Initiative.....	5,000,000.00

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10.22 TNCIS System Upgrade.....	8,600,000.00
10.23 Local Infrastructure Grant Program.....	200,000,000.00
10.24 Governor's Initiatives.....	5,000,000.00
10.25 COVID-19 Response.....	150,000,000.00
10.26 Agriculture Radio Replacement/Conversion.....	1,225,000.00
10.27 Criminal Justice Data Infrastructure Project.....	2,000,000.00
10.28 Child & Family Advocacy Subcabinet/Campaign.....	1,000,000.00
10.29 Technical Assistance for Sentencing Reform.....	1,000,000.00
10.30 Volunteer Fire Departments – Support Grants.....	1,000,000.00
10.31 Administration Legislation – Right to Work Constitutional Amendment.....	10,000.00
10.32 Administration Legislation – Vehicle Title and Registration.....	117,000.00
10.33 Administration Legislation – Volunteer Fire Department Training Reimbursement.....	4,922,000.00
11. Amendment and Legislation	
11.1 Administration Amendment.....	32,500,000.00
11.2 Legislative Initiatives.....	18,000,000.00
11.3 PC 978 – Substance Abuse.....	581,600.00
11.4 PC 512 – Transportation of Mental Health Patients.....	4,000,000.00
11.4 PC 1021 – Uniform Administrative Procedures Act Revision.....	10,000.00
11.5 PC 470 – Pharmacy Benefit Managers.....	137,300.00
11.6 PC 760 – Vacancy Reduction.....	214,400.00
11.7 PC 4 – Electronic Health Delivery.....	15,000.00
12. Governor's Office.....	200,000.00

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Total Title III-22..... \$ 817,859,100.00

The appropriation made under Title 111-22, Item 10.23 - Local Infrastructure Grant Program, shall consist of grants to both counties and municipalities. For municipalities, the grant shall consist of: (1) a base payment of \$15,000 per municipality; and (2) a payment based on municipality population as published by the United States Census Bureau (July 1, 2019 data). Said grants are for nonrecurring expenses only. Further, funds disbursed pursuant to this appropriation are subject to the provisions of Section 10, Item 1 of this act, and any unspent balance of said appropriation at June 30, 2022 shall revert to the general fund.

For counties, the grant shall consist of: (1) a base payment of \$250,000 per county; and (2) a payment based on county population as published by the United States Census Bureau (July 1, 2019 data). Said grants are for nonrecurring expenses only. Further, funds disbursed pursuant to this appropriation are subject to the provisions of Section 10, Item 1 of this act, and any unspent balance of said appropriation at June 30, 2022 shall revert to the general fund.

It is the further legislative intent that no county with a metropolitan form of government receive funds from both grants to municipalities and to counties. As such, those counties with a metropolitan form of government, pursuant to Title 7 of the Tennessee Code Annotated, shall be eligible for the larger grant fund calculation of the two items. The lesser grant funds calculated for those counties with a metropolitan form of government based on base payment and payment based on population data shall be pooled and distributed, in equal amounts, to those counties determined to be economically distressed by the Commissioner of Finance and Administration, the Commissioner of Economic and Community Development, and the Commissioner of Revenue pursuant to Tennessee Code Annotated§ 67-6-104, as of January 1, 2021.

The appropriation made under Title 111-22, Item 10.25 - COVID-19 Response, shall be expended to continue the state's response to the COVID-19 pandemic, including the uses listed in Section 61 of Chapter 651, Public Acts of 2020. Further, the Commissioner of Finance and Administration is authorized to transfer from the general fund to the capital projects fund available appropriations made in this act and previous appropriations acts to the Health and Safety Emergency and Contingency Fund for any capital expenses incurred in pandemic response.

23. Department of Children's Services

1
Administration.....\$
39,338,000.00

2. Family Support Services.....
39,717,200.00

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3. Custody Services.....	
105,924,800.00	
4. Needs Assessment.....	
4,044,700.00	
5. Adoption Services.....	
69,961,600.00	
6. Child and Family Management.....	
105,819,700.00	
7. John S. Wilder Youth Development Center.....	
17,572,800.00	
8. Major Maintenance.....	
370,100.00	
Total Title III-23.....	\$ 382,748,900.00
24. Board of Parole.....	\$
8,397,100.00	
Total Title III-24.....	\$ 8,397,100.00
25. Department of Intellectual and Developmental Disabilities	
1. Intellectual Disabilities Services	
Administration.....	\$ 2,087,000.00
2. Community Intellectual Disabilities Services.....	
13,057,100.00	
3. Protection from Harm.....	
. 346,500.00	
4. Harold Jordan Center.....	
4,174,100.00	
5. West Tennessee Regional Office.....	
1,033,300.00	
6. Middle Tennessee Regional Office.....	
663,000.00	
7. East Tennessee Regional Office.....	
628,000.00	
8. Seating and Positioning Clinics.....	
2,866,400.00	
9. West Tennessee Community Homes.....	
35,300.00	
10. Middle Tennessee Community Homes.....	
95,900.00	
11. East Tennessee Community Homes.....	
248,400.00	
12. Major Maintenance.....	
460,900.00	
13. Tennessee Early Intervention System.....	
23,495,800.00	

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Total Title III-25.....	\$ 49,191,700.00
26. Department of Finance and Administration, Bureau of TennCare	
1. Administration.....	TennCare \$
199,797,600.00	
2. TennCare Medical Services.....	
2,976,080,900.00	
3. Supplemental Payments.....	
176,319,200.00	
4. Intellectual Disabilities Services.....	
338,499,200.00	
5. Medicare Services.....	
436,225,100.00	
Total Title III-26.....	\$
4,126,922,000.00	
27. Emergency and Contingency Fund.....	\$
1,000,000.00	
Total Title III-27.....	\$ 1,000,000.00
The Emergency and Contingency Fund may be used for any purpose authorized by law to be allowed on Executive Order of the Governor; provided, however, the Emergency and Contingency Fund shall not be used to fund any law requiring the expenditure of state funds unless an appropriation is made elsewhere for the estimated first year's funding.	
28. Other Post-Employment Benefits Liability.....	\$
72,177,800.00	
Total Title III-28.....	\$ 72,177,800.00
29. Facilities Revolving Fund	
1. Facilities Operations.....	\$
7,518,000.00	
2. Leases and Space Planning.....	
4,784,000.00	
Total Title III-29.....	\$ 12,302,000.00
30. Department of Transportation	
There is hereby appropriated for the use of the Department of Transportation such receipts of highway revenues as are now provided by law, or may hereafter be so provided, to accrue to that department during the fiscal year, beginning July 1, 2021, to be expended by the Commissioner of Transportation, all according to the following schedule:	
2021-2022	
1. Headquarters.....	\$
178,737,200.00	

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2. Bureau of Administration.....			
76,765,800.00			
3. Bureau of Operations.....			
789,280,800.00			
4. Bureau of Engineering.....			
157,339,500.00			
5. Bureau of Environment and Planning.....			
110,467,300.00			
Total	Title	III-30.....	\$
1,312,590,600.00			
Grand		Total.....	\$
18,761,143,700.00			

Said funds so appropriated shall be obligated and expended under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51. There is further appropriated to the Department of Transportation such departmental revenue, expressly including federal matching funds, as may accrue to the department.

The “Proposed Highway Program for Fiscal Year 2021-2022”, prepared by the Department of Transportation as a supplement to and as “Supporting Data for the Budget Request,” is hereby incorporated into and made a part of the Appropriations Act.

Whenever a determination is made that one or more of the projects in the approved program cannot be proceeded with, the Commissioner of Transportation shall furnish, in written form as prescribed by the Chairs of the Finance, Ways and Means Committees of the Senate and House and the Chairs of the Transportation Committees of the Senate and House, the reasons for such proposed cancellation or rescheduling of said project, together with a recommendation for a substitute project. The notice of cancellation or rescheduling of said project shall be submitted to the Speaker of the Senate, the Speaker of the House of Representatives, the Chairs of the Finance, Ways and Means Committees of the Senate and House, the Chairs of the Transportation Committees of the Senate and House and to the individual Senator and Representative in whose districts the canceled project or proposed substitution is located.

From the funds appropriated above in Item 3, Bureau of Operations, the sum of \$9,540,000 is allocated for the purpose of funding the state’s eighty percent (80%) share of the project cost of the 1990 Bridge Grant Program. For the fiscal 2021-2022 budget, the state shall fund an eighty percent (80%) share of this program and local governments shall be responsible for funding the remaining twenty percent (20%), as set forth in Tennessee Code Annotated, Title 54, Chapter 4, Part 5.

For the fiscal year beginning July 1, 2021, the Commissioner of Transportation shall distribute this money among the ninety-five (95) county geographical areas of the state according to the following formula:

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One-half of the funds shall be distributed equally, and one-half shall be distributed on the basis of structural needs. Structural needs shall be determined by calculating the ratio of linear feet of bridges with a load rating of less than ten tons, in each county geographical area, located on public roads other than those on a federal-aid system or the state system of highways, to the total linear feet of like bridges in the state.

31. State Funding Board

There is hereby appropriated to the State Funding Board for interest and reduction of the state debt, for debt service expense and interest on proposed bond authorization:

2021-2022

1. Interest on State Debt.....	
.\$ 60,402,000.00	
2. Retirement of Bonds.....	
142,361,000.00	
3. Debt Service Expense.....	
3,500,000.00	
4. Short Term Interest.....	
4,000,000.00	
5. Amortization of Authorized and Unissued Construction Bonds.....	50,664,000.00
6. Amortization of Authorized and Unissued Highway Bonds.....	76,000,000.00
Total Title III-31.....	\$ 336,927,000.00

The appropriation made under Section 1, Title 111-31, Items 1, 2, 3, 4, 5, and 6, is made under the provisions of Tennessee Code Annotated, Title 9, Chapter 9, and may be increased to such amounts as will be necessary to carry out such provisions.

32. Capital Outlay

There is hereby appropriated to each of the departments and agencies enumerated herein, funds for major maintenance, equipment, construction, and acquisition of land, and for expansion, improvement, betterments, and repairs to existing structures. The Commissioner of Finance and Administration is hereby authorized to transfer the amounts herein appropriated to the Capital Projects Fund for the use of the said departments and agencies.

1.	Department	of
Agriculture.....		\$ 4,840,000.00
2. Department of Children's Services.....		15,060,000.00
3. Department of Correction.....		3,000,000.00

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4. Department of Economic and Community Development.....	15,000,000.00
5. Department of Education.....	17,050,000.00
6. Department of Environment and Conservation.....	58,300,000.00
7. Department of General Services.....	12,200,000.00
8. Department of Human Services.....	6,180,000.00
9. Department of Intellectual and Developmental Disabilities Services....	3,400,000.00
10. Department of Mental Health and Substance Abuse Services.....	16,260,000.00
11. Department of Military.....	4,965,000.00
12. Department of Safety.....	1,540,000.00
13. Historical Commission.....	10,330,000.00
14. Department of Veterans Services.....	21,000.00
15. Tennessee Board of Regents.....	48,350,000.00
16. Austin Peay State University.....	70,767,500.00
17. East Tennessee State University.....	7,714,000.00
18. University of Memphis.....	12,533,000.00
19. Middle Tennessee State University.....	57,384,000.00
20. Tennessee State University.....	6,366,000.00
21. Tennessee Technological University.....	56,085,600.00
22. University of Tennessee.....	113,090,000.00
23. Facilities Revolving Fund.....	225,180,000.00
Total Title III-32.....	\$ 765,616,100.00

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for

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the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2021-2022 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1, and further expressly providing for the making of grants to governmental entities and/or to certain not-for-profit organizations listed herein, and for the purposes identified on pages A-133 to A-139 and A-157 to A-160 of the 2021-2022 Budget Document or otherwise identified in this act, and such grants so identified and approved are determined to be for a public purpose:

(a) Tennessee Performing Arts Center Management Corporation, located in Davidson County; and (b) Lorraine Civil Rights Museum Foundation, located in Shelby County.

33. Capital Outlay - Sinking Fund

There is hereby appropriated for the fiscal year beginning July 1, 2021, to the Sinking Fund from the receipts of the tax levied by Tennessee Code Annotated, Title 67, Chapter 4, Part 20, "The Excise Tax Law," an amount to be determined by the State Funding Board.

SECTION 2. Capital Outlay and Major Maintenance.

Item 1. Any funds appropriated by this General Assembly for capital outlay, capital maintenance, and major maintenance, shall not revert to the general fund but shall remain available until expended. It is the intent of the General Assembly that funds of capital outlay nature shall remain available until expended for the purpose for which the appropriations were made.

In the fiscal years ending June 30, 2021, and June 30, 2022, the carry-forward and reappropriation of unexpended appropriations for major maintenance shall be subject to approval by the Commissioner of Finance and Administration based upon the availability of revenues and reserves in the general fund at June 30, 2021, and June 30, 2022.

Item 2. Any unexpended capital outlay or capital maintenance funds appropriated by previous General Assemblies for completed or discontinued projects shall be accumulated in a capital account to be administered by the Department of Finance and Administration. Expenditure of these funds is subject to approval by the State Building Commission upon recommendation of the University of Tennessee, State Board of Regents, boards of locally governed institutions, or Department of General Services, as applicable, and certification of available funds by the Commissioner of Finance and Administration. After such approvals and certification of available funds, the

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Commissioner of Finance and Administration is authorized to transfer a portion of such funds allocated to the Department of General Services from the aforementioned capital account to the state office buildings and support facilities revolving fund.

Item 3. From the appropriations made to the State Funding Board in Section 1, Title 111-31, the Funding Board is hereby authorized to allocate and provide to the Capital Projects Fund such funds not required for debt service during fiscal year 2021-2022 for projects duly authorized and approved by the General Assembly; provided, however, that when the Funding Board allocates funds under this provision, any other appropriation or bond authorization for said purpose is hereby reduced accordingly.

Item 4. From the funds appropriated for capital outlay in this act and other acts of the legislature, the Commissioner of Finance and Administration, with the approval of the State Building Commission, is authorized to charge the administrative costs of the construction programs to the capital outlay appropriations or to transfer from the Capital Projects Fund to the general fund an amount sufficient to cover those costs. Such expenditures shall be from non-bond proceeds.

Item 5. From the funds appropriated for capital outlay in this act and other acts of the legislature, the Commissioner of Finance and Administration is authorized to establish and charge the costs of design and engineering positions to the capital outlay appropriations or to transfer from the Capital Projects Fund to the general fund an amount sufficient to cover these costs. This item is subject to approval by the State Building Commission.

Item 6. From the funds appropriated for capital outlay in this act and other acts of the legislature, the Commissioner of Finance and Administration, with the approval of the State Building Commission, is authorized to transfer the appropriations for capital outlay to the Department of Finance and Administration to provide for the centralized administration of capital outlay. It is further the legislative intent to allow for centralized administration of any project recommended by the Commissioner of Finance and Administration and approved by the State Building Commission.

Item 7. To the extent that the accumulated yearly interest and earnings of the Natural Resources Trust Fund are available through June 30, 2021, said funds are hereby appropriated to the Department of Environment and Conservation to be available for projects which are reviewed and evaluated under procedures established by the authority of Tennessee Code Annotated, Section 11-14-308.

Item 8. There is hereby appropriated to the Department of Mental Health and Substance Abuse Services the proceeds from the sale of any real property and facilities deposited in the mental health trust fund created by Tennessee Code Annotated, Section 12- 2-117. The appropriation shall be available for the uses provided in Section 12-2-117.

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Item 9. There is hereby appropriated to the Department of Military the proceeds from the sale of any real property and facilities deposited in the reserve for military facilities created by Tennessee Code Annotated, Section 12-2-121. The appropriation shall be available to fund replacement facilities for the department subject to approval by the State Building Commission.

Item 10. There is hereby appropriated to the Department of Intellectual and Developmental Disabilities the proceeds from the sale of any real property and facilities deposited in the intellectual and developmental disabilities trust fund created by Tennessee Code Annotated, Section 12-2-117. The appropriation shall be available for the uses provided in Section 12-2-117.

Item 11. There is hereby appropriated to the state office buildings and support facilities revolving fund created by Tennessee Code Annotated, Section 9-4-901, the proceeds from the sale of any real property and facilities deposited to the fund, to be used, pursuant to Tennessee Code Annotated, Section 12-2-119 for capital outlay requirements of the state's office buildings and support facilities. This appropriation shall be subject to approval of the State Building Commission.

Item 12. There is hereby appropriated to the Department of Agriculture the proceeds from the sale of any real property and facilities deposited in the reserve for forestry maintenance created by Tennessee Code Annotated, Section 12-2-122 for capital outlay for replacement facilities of the department or other capital outlay of the department. The appropriation shall be subject to approval by the State Building Commission.

Item 13. The appropriation in Section 1, Title 111-7, to the Department of Correction, Sentencing Act of 1985, is made pursuant to Tennessee Code Annotated, Section 9-4-210.

(a) The appropriation in the amount of \$52,760,700 is hereby reappropriated to the department for major maintenance and capital outlay purposes.

(b) From any remaining reserve fund balance carried forward at June 30, 2021, there is hereby appropriated a sum sufficient to the department for major maintenance and capital outlay purposes.

(c) Other appropriations made under this act to the Department of Correction, Sentencing Act of 1985, are hereby reappropriated to the department for major maintenance and capital outlay purposes.

(d) On or before October 1, 2021, the Commissioner of Finance and Administration shall submit a detailed financial report to the Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives, to the Chairs of the State and Local Government Committee of the Senate and State Government Committee of the House of Representatives, and to the directors of the Office of Legislative Budget Analysis, concerning all activities of the Sentencing Act of 1985

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reserve account (established and maintained pursuant to Tennessee Code Annotated, Section 9-4-210), during fiscal year 2020-2021. The report shall indicate the account balance on July 1, 2020, and shall itemize all funds deposited into the reserve account as well as all funds allocated from the reserve account. For each such allocation from the reserve account, the report shall describe the purpose, amount and location of the allocation as well as any other information deemed to be informative by the Commissioner.

Item 14. Capital improvement projects recommended for higher education institutions in the 2021-2022 Budget Document on page A-135 include funding partially from institutional sources. It is the legislative intent that such projects include a minimum matching component for new construction projects at the following rates by type of institution: (a) R1, Very High Research (UT Knoxville), 17%, (b) UoM, 10%, (c) ETSU, MTSU, TTU, UT Chattanooga, 8%, (d) APSU, UT Martin, TSU, 6%, and (e) Community Colleges and Specialized Units, 4%. Major renovations projects have a minimum matching component at the following rates by type of institution: (a) R1, Very High Research (UT Knoxville), 6%, (b) UoM, ETSU, MTSU, TTU, UT Chattanooga, APSU, UT Martin, TSU, 4%, and (c) Community Colleges and Specialized Units, 2%. Institutions are incentivized to provide additional match above the minimum through the Tennessee Higher Education Commission's capital review process. All matching funds may include gifts, grants, institutional funds, student fees, and other non-state sources. The match component for new construction projects shall at a minimum consist of gifts to the institution in the following percentage of the total pledged match: (a) R1, Very High Research Activity (UT Knoxville), 50%, (b) Doctoral/Masters Universities, 33%, and (c) Community Colleges and Specialized Units, 0%.

It is further the legislative intent that institutions of higher education be authorized to proceed with capital improvement projects funded in the 2021-2022 enacted capital outlay budget by using Tennessee State School Bond Authority financing as bridge funding for no more than one-third (1/3) of the total pledged institutional matching component, under guidelines of and subject to approval of projects by the authority, and that such obligations be reduced as the matching funds are raised and recognized; provided, further, that at no time shall such school bonds be issued in lieu of institutional matching funds.

Item 15. From the appropriations made in Section 1 and Section 4 of this act, the Commissioner of Finance and Administration is authorized to transfer appropriation savings resulting from energy management projects to the major maintenance accounts of the departments and agencies. These funds may be used to pay debt service on associated bonds, to reimburse the general fund for appropriations made for energy management capital projects, to pay energy management fees, and to fund energy projects approved by the State Building Commission.

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Item 16. From the appropriations made in Section 1 and Section 4 of Chapters 651 and 760, Public Acts of 2020, and in Section 1 and Section 4 of this act, the Commissioner of Finance and Administration is authorized to transfer appropriation savings resulting from Empower Tennessee energy management projects to the Capital Projects Fund. Further, the funds may be used to pay Empower Tennessee energy management fees, including interest, and to fund additional Empower Tennessee energy management projects approved by the State Building Commission. The provisions of this item shall be effective immediately, the public welfare requiring it.

Item 17. The appropriation in Section 1, Title III-10, to the Tennessee Higher Education Commission, Higher Education Capital Maintenance, is subject to the following provisions.

(a) The appropriation in the amount of \$50,000,000 is hereby reappropriated to the commission for major maintenance and capital outlay purposes.

(b) Any remaining unexpended balances at June 30, 2021 are carried forward and hereby reappropriated to be expended in the subsequent fiscal year.

(c) From any remaining reserve fund balance carried forward at June 30, 2021, there is hereby appropriated a sum sufficient to the department for major maintenance and capital outlay purposes.

(d) Other appropriations made under this act to the Tennessee Higher Education Commission, Higher Education Capital Maintenance, are hereby reappropriated to the commission for major maintenance and capital outlay purposes.

Item 18. The appropriation in Section 1, Title III-2, Item 4.5, Department of General Services, Statewide Capital Maintenance, is subject to the following provisions.

(a) The appropriation in the amount of \$40,191,100 is hereby appropriated for statewide major maintenance and capital outlay purposes.

(b) Any remaining unexpended balances at June 30, 2021 are carried forward and hereby reappropriated to be expended in the subsequent fiscal year.

(c) From any remaining reserve fund balance carried forward at June 30, 2021, there is hereby appropriated a sum sufficient to the department for major maintenance and capital outlay purposes.

(d) Other appropriations made under this act to the Department of General Services, Statewide Capital Maintenance, are hereby reappropriated to the department for major maintenance and capital outlay purposes.

SECTION 3. Certain Regulatory Programs and Other Dedicated Funds – Provisions, Limitations, and Restrictions.

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Item 1. Appropriations made under Section 1, Titles III-11 and III-16, for the operation of the state regulatory boards, shall be subject to allotment by the Commissioner of Finance and Administration, and no expenditure shall be made by any said boards out of fees collected by them unless and until such allotments have been made by the Commissioner of Finance and Administration. Such allotments for the operation of said respective boards as are made by the Commissioner of Finance and Administration shall be disbursed under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

The allotment hereinabove provided shall be subject to the condition that no money shall be paid therefrom for the salary of any employee of said boards unless and until such salary has been approved by the Commissioner of Human Resources. The appointment of all employees of said boards shall likewise be approved by the Commissioner of Human Resources.

No member of any board or commission established by law or pursuant to law shall receive any compensation except in accordance with Tennessee Code Annotated, Section 9-4-611.

Item 2. Except as otherwise provided in this section, the appropriations to the Wildlife Resources Agency under Section 1, Title III-6, shall be paid out of the special fund established under Tennessee Code Annotated, Title 70, Chapter 1, Part 4 and Section 69-9-203. Such appropriations shall be expended under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51, and shall be used only for the expenses of the Wildlife Resources Agency pursuant to Tennessee Code Annotated, Title 70 and Title 69, Chapter 9, Part 2, and no part of the unexpended fund left at the end of the fiscal year shall be used for any other purpose but shall be carried over in said fund and may be expended during the next year, and all of said fees and revenues provided by Tennessee Code Annotated, Title 70 and Title 69, Chapter 9, Part 2, are herein specifically apportioned and appropriated to the use and for the benefit of the Wildlife Resources Agency to be expended under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51. Nothing in this item shall be construed as relieving the Wildlife Resources Agency of the duty of policing littering of lakes and streams.

Item 3. The appropriation to the State Board of Law Examiners in Section 1, Title II, Item 16, shall be from funds generated by fees collected by the board under the provisions of Tennessee Code Annotated, Title 23, Chapter 1.

In case the appropriation to the board shall prove inadequate to allow the board to function efficiently, the Commissioner of Finance and Administration may make an additional allotment thereto from the general fund, the total of all allotments to the board not to exceed the revenues paid into the treasury by the board.

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Item 4. The appropriation to the Department of Financial Institutions in Section 1, Title III-12, shall be derived from banking fees assessed pursuant to Tennessee Code Annotated, Title 45, Chapter 1, Part 1; credit union fees assessed pursuant to Tennessee Code Annotated, Title 45, Chapter 4, Parts 9 and 10; and from certain fees and revenues derived from other non-bank entities. No part of the unexpended banking fees left at the end of the fiscal year shall revert to the general fund.

DEPARTMENTAL REVENUES

SECTION 4. Appropriations from Departmental Revenues. All departmental revenues of every kind, as hereinafter defined, collected by any department, institution, office, or agency, in the course of its operations, for its own use, are hereby appropriated to it in addition to the specific appropriations made by this act, unless otherwise provided in this act or other provisions of law. Federal aid funds granted to the state for the use of or to be administered by any department, institution, or agency, are likewise appropriated. For the purpose of this section "departmental revenues" are defined as (1) earnings or charges for goods or services; (2) donations, contributions or participation by political subdivisions, foundations, corporations, firms or persons; and (3) certain state revenues which for budgetary purposes, are treated as departmental revenues under the provisions of this section, unless otherwise provided in this act or other provisions of law. State revenues, in contradistinction to departmental revenues, are the proceeds of taxes, licenses, fees, fines, forfeiture or other imposts laid specifically by law.

Notwithstanding any provision of the previous paragraph, the Department of Health shall deposit all funds generated by fees or taxes collected by such entity in the general fund of the state. Any appropriations for the operation of such entity shall be subject to allotment by the Commissioner of Finance and Administration, and no expenditure shall be made by any such entity out of fees or taxes collected by it, unless and until such allotments have been made by the Commissioner of Finance and Administration. Such allotments for the operation of such entity as are made by the Commissioner of Finance and Administration shall be disbursed under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

The departmental revenues and federal aid funds appropriated under this act shall include the amounts hereinafter set out:

I. LEGISLATIVE 2021-2022

	Legislative	Administration
1. Services.....		\$ 17,000.00
2. House of Representatives.....		28,500.00
3. State Senate.....		22,000.00

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4. General Assembly Support Services.....
70,000.00

Total Legislature.....\$
137,500.00

Total Title I.....\$ 137,500.00

II. JUDICIAL

1. Appellate and Trial Courts.....\$
27,300.00

2. Supreme Court Buildings.....
613,000.00

3. Child Support Referees.....
2,024,200.00

4. Indigent Defendants' Counsel.....
5,000.00

5. Council of Juvenile and Family Court Judges.....
67,000.00

6. Judicial Conference.....
40,000.00

7. Judicial Programs and Commissions.....
498,200.00

8. Administrative Office of the Courts.....
2,263,700.00

9. Appellate Court Clerks.....
1,627,100.00

Total Title II.....\$ 7,165,500.00

III. EXECUTIVE

1. Constitutional and Quasi-Judicial Offices

1. Attorney General and Reporter

1.1 Attorney General and Reporter.....\$
13,377,800.00

1.2 Special Litigation.....
788,800.00

Total Attorney General and Reporter.....\$
14,166,600.00

2. District Attorneys General Conference

2.1 District Attorneys General.....\$
8,917,800.00

2.2 Education, Training, and Strategic Planning.....
161,000.00

2.3 Executive Director.....
1,976,600.00

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2.4 IV-D Child Support Enforcement.....	
30,941,600.00	
Total District Attorneys General Conference.....	\$
41,997,000.00	
3. Secretary of State	
3.1 Secretary of State.....	\$
7,158,300.00	
3.2 Records Management.....	
1,292,000.00	
3.3 State Library and Archives.....	
3,485,800.00	
3.4 Regional Library System.....	
791,100.00	
3.5 Bureau of Ethics and Campaign Finance.....	
515,100.00	
3.6 Charitable Solicitations and Charitable Gaming.....	
1,680,500.00	
3.7 Help America Vote Act.....	
27,500,000.00	
Total Secretary of State.....	\$
42,422,800.00	
4. District Public Defenders Conference	
4.1 District Public Defenders.....	\$
576,000.00	
Total District Public Defenders Conference.....	\$
576,000.00	
5. Comptroller of the Treasury	
5.1 Administrative and Support Services.....	\$
109,400.00	
5.2 Division of State Audit.....	
6,261,600.00	
5.3 Division of Local Government Audit.....	
1,287,200.00	
5.4 Communications and Public Affairs Office.....	
62,500.00	
5.5 Office of State Government Finance.....	
709,100.00	
5.6 Division of Property Assessments.....	
1,849,500.00	
5.7 State Board of Equalization.....	
107,400.00	
5.8 Division of Technology Solutions.....	
272,500.00	

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Total Comptroller of the Treasury.....	\$
10,659,200.00	
6. Treasury Department	
6.1 Treasury Department.....	\$
49,234,500.00	
6.2 Small and Minority-Owned Business Assistance Program....	
250,000.00	
6.3 TN Stars College Savings 529 Program.....	
300,000.00	
6.4 Electronic Monitoring Indigency Fund.....	
1,000,000.00	
6.5 BEST Prepaid.....	
5,200,000.00	
6.6 Tuition Guaranty.....	
50,000.00	
Total Treasury Department.....	\$
56,034,500.00	
7. Claims and Compensation	
7.1 Criminal Injuries Compensation.....	\$
4,138,000.00	
7.2 Unclaimed Property.....	
3,250,000.00	
7.3 Risk Management Fund.....	
76,750,700.00	
Total Claims and Compensation.....	\$
84,138,700.00	
Total Title III-1.....	\$ 249,994,800.00
2. Executive Offices	
1. Commissions	
1.1 Commission on Children and Youth.....	\$
2,318,500.00	
1.2 Commission on Aging and Disability.....	
34,215,300.00	
1.3 Alcoholic Beverage Commission.....	
9,543,500.00	
1.4 Human Rights Commission.....	
881,600.00	
1.5 Advisory Commission on Intergovernmental Relations.....	
3,298,400.00	
1.6 Tennessee Housing Development Agency.....	
377,979,200.00	
1.7 Arts Commission.....	
2,768,400.00	

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1.8 Tennessee Public Utility Commission.....	2,399,700.00
1.9 Tennessee Rehabilitative Initiative in Correction (TRICOR)..	32,068,500.00
1.10 State Museum.....	17,500.00
1.11 Council on Developmental Disabilities.....	1,987,600.00
1.12 Corrections Institute.....	95,500.00
Total Commissions.....	\$ 467,573,700.00
2. Department of Finance and Administration	
2.1 Division of Administration.....	\$ 4,831,800.00
2.2 Strategic Technology Solutions (STS) Operations.....	215,378,300.00
2.3 Benefits Administration.....	13,121,700.00
2.4 Division of Accounts.....	47,799,200.00
2.5 Criminal Justice Programs.....	57,364,000.00
2.6 Volunteer Tennessee.....	6,727,800.00
2.7 Office of Inspector General.....	4,671,900.00
2.8 Enterprise Resource Planning.....	26,973,500.00
2.9 Business Solutions Delivery.....	74,648,600.00
Total Department of Finance and Administration.....	\$ 415,516,800.00
3. Department of Human Resources	
3.1 Executive Administration.....	\$ 2,288,100.00
3.2 Leadership and Learning Development.....	3,610,300.00
3.3 HR Management Services.....	5,798,200.00
3.4 Office of the General Counsel.....	2,733,700.00

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3.5 Human Resources Business Solutions.....	
1,386,100.00	
Total Department of Human Resources.....	\$
15,816,400.00	
4. Department of General Services	
4.1 Administration.....	\$
7,915,400.00	
4.2 Postal Services.....	
18,542,700.00	
4.3 Motor Vehicle Management.....	
48,264,600.00	
4.4 Real Estate Asset Management.....	
13,823,400.00	
4.5 Printing and Media Services.....	
7,005,600.00	
4.6 Procurement Office.....	
9,852,100.00	
4.7 Distribution Center.....	
5,169,200.00	
Total Department of General Services.....	\$
110,573,000.00	
5. Department of Veterans Services	
5.1 Tennessee State Veterans Cemeteries.....	\$
1,192,900.00	
Total Department of Veterans Services.....	\$
1,192,900.00	
Total Title III-2.....	\$
1,046,672,800.00	
3. Department of Agriculture	
1. Administration and Grants.....	\$ 6,658,000.00
2. Consumer and Industry Services.....	
15,214,400.00	
3. Business Development.....	
1,035,700.00	
4. Forestry Operations.....	
9,107,900.00	
5. Grain Indemnity Fund.....	
.. 126,700.00	
6. Agricultural Regulatory Fund.....	
... 120,000.00	
7. Animal Health.....	
1,183,700.00	

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Total Title III-3.....	\$ 33,446,400.00
4. Department of Tourist Development	
1. Administration	and
Marketing.....	\$ 789,200.00
2. Welcome Centers.....	
9,258,000.00	
Total Title III-4.....	\$ 10,047,200.00
5. Department of Environment and Conservation	
1. Administrative Services.....	\$
14,649,100.00	
2. Recreation Educational Services.....	
7,100,800.00	
3. Land and Water Conservation Fund.....	
.. 750,000.00	
4. Archaeology.....	
60,500.00	
5. Geology.....	
629,400.00	
6. Tennessee State Parks.....	
38,182,600.00	
7. State Parks Maintenance.....	
100,000.00	
8. Natural Areas.....	
160,100.00	
9. Historical Commission.....	
2,196,900.00	
10. West Tennessee River Basin Authority.....	
5,034,800.00	
11. Environment	
Administration.....	4,575,000.00
12. Air Pollution Control.....	
17,041,700.00	
13. Radiological Health.....	
6,331,000.00	
14. Division of Water Resources.....	
20,761,700.00	
15. Solid Waste Management.....	
10,984,100.00	
16. DOE Oversight.....	
6,894,600.00	
17. Hazardous Waste Remedial Action Fund.....	
.... 9,319,300.00	

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18. Underground Storage Tanks.....	
1,973,400.00	
19. Clean Water and Drinking Water State Revolving Fund.....	56,677,700.00
20. Used Oil Collection Program.....	
1,000.00	
21. Fleming Training Center.....	
1,518,200.00	
22. Office of Sustainable Practices.....	
886,300.00	
23. Office of Energy Programs.....	
7,109,400.00	
24. Tennessee Heritage Conservation Trust Fund.....	
.... 1,000,000.00	
Total Title III-5.....	\$ 213,937,600.00
6. Tennessee Wildlife Resources Agency	
1. Wildlife Resources Agency.....	\$
41,173,700.00	
2. Boating Safety.....	
6,491,000.00	
3. Wetlands Acquisition Fund.....	
. 1,662,000.00	
Total Title III-6.....	\$ 49,326,700.00
7. Department of Correction	
1	.
Administration.....	\$
688,500.00	
2. Correction Academy.....	
64,900.00	
3. Probation and Parole Field Supervision.....	
1,069,500.00	
4. Sex Offender Treatment Program.....	
60,000.00	
5. State Prosecutions.....	
800,000.00	
6. Debra K. Johnson Rehabilitation Center.....	
884,700.00	
7. Turney Center Industrial Complex.....	
1,912,600.00	
8. Mark Luttrell Transition Center.....	
663,700.00	
9. Bledsoe County Correctional Complex.....	
2,432,800.00	

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10. West Tennessee State Penitentiary.....	1,764,200.00		
11. Riverbend Maximum Security Institution.....	651,900.00		
12. Northeast Correctional Complex.....	1,426,900.00		
13. Northwest Correctional Complex.....	2,167,500.00		
14. Morgan County Correctional Complex.....	1,727,100.00		
15. Lois M. DeBerry Special Needs Facility.....	563,900.00		
16. Hardeman County Incarceration Agreement.....	18,900.00		
17. Hardeman County Agreement—Whiteville.....	18,700.00		
18. South Central Correctional Facility.....	18,700.00		
19. Trousdale County Incarceration Agreement.....	13,200.00		
20. Sentencing Act of 1985.....	7,500.00		
Total Title III-7.....		\$ 16,955,200.00	
8. Department of Economic and Community Development			
1. Administrative Services.....			\$
764,400.00			
2. Business Development.....			
880,100.00			
3. Tennessee Job Skills Program.....			
1,464,900.00			
4. Policy and Federal Programs.....			
28,278,500.00			
5. Fast Track Infrastructure and Job Training Assistance.....			
340,500.00			
6. Film and Television Incentive Fund.....			
... 48,600.00			
7. TN Investco Tax Credits.....			
1,500,000.00			
8. Community and Rural Development.....			
27,300.00			
Total Title III-8.....		\$ 33,304,300.00	
9. Department of Education			

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1			
Administration.....			\$
1,719,900.00			
2. ESSA and Federal Programs.....			
387,416,200.00			
3. Technology, Infrastructure, and Support Systems.....			
525,100.00			
4. Academic Offices.....			
6,958,700.00			
5. Centers of Regional Excellence (CORE).....			
. 40,367,400.00			
6. Improving Schools Program.....			
30,374,200.00			
7. Data and Research.....			
9,760,900.00			
8. Early Childhood Education.....			
17,683,800.00			
9. Energy Efficient Schools Initiative.....			
492,500.00			
10. School Nutrition Program.....			
413,220,000.00			
11. Special Education Services.....			
254,250,500.00			
12. College, Career and Technical Education.....			
25,272,000.00			
13. Alvin C. York Institute.....			
1,529,900.00			
14. Tennessee School for the Blind.....			
1,033,600.00			
15. Tennessee School for the Deaf.....			
. 543,600.00			
16. West Tennessee School for the Deaf.....			
. 222,900.00			
17. Charter School Commission.....			
15,704,600.00			
18. Achievement School District.....			
119,265,300.00			
Total	Title	III-9.....	\$
1,326,341,100.00			
10. Higher Education			
1. Tennessee Higher Education Commission.....			\$
9,457,100.00			

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2. Tennessee Student Assistance Corporation.....	5,284,500.00
3. Academic Scholars Program.....	378,700.00
4. Loan/Scholarship Programs.....	291,000.00
Total Title III-10.....	\$ 15,411,300.00
11. Department of Commerce and Insurance	
1	.
Administration.....	\$
10,602,400.00	
2. Insurance.....	
14,547,000.00	
3. Securities.....	
3,429,000.00	
4. TennCare Oversight.....	
2,576,100.00	
5. Fire Prevention.....	
20,484,100.00	
6. Fire Service and Codes Enforcement Academy.....	
1,497,000.00	
7. Peace Officer Standards and Training (POST) Commission.....	
43,300.00	
8. Tennessee Law Enforcement Training Academy.....	
1,738,200.00	
9. 911 Emergency Communications Fund.....	
.. 5,821,800.00	
10. Regulatory Boards.....	
931,900.00	
11. Cemetery Consumer Protection Fund.....	
... 5,000.00	
Total Title III-11.....	\$ 61,675,800.00
12. Department of Financial Institutions.....	\$
2,400.00	
Total Title III-12.....	\$ 2,400.00
13. Department of Labor and Workforce Development	
1	.
Administration.....	\$
8,742,300.00	
2. Tennessee Occupational Safety and Health	
Administration (TOSHA).....	
4,622,000.00	

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3. Mines.....	
209,700.00	
4. Boilers, Elevators, and Amusement Devices.....	
81,600.00	
5. Workers' Compensation.....	
194,800.00	
6. Subsequent Injury and Vocational Recovery Fund.....	
75,000.00	
7. Adult Basic Education.....	
12,865,000.00	
8. Workforce Services.....	
89,351,300.00	
9. Unemployment Insurance.....	
44,164,400.00	
Total Title III-13.....	\$ 160,306,100.00
14. Department of Mental Health and Substance Abuse Services	
1. Administrative Services	
Division.....	\$ 8,245,900.00
2. Mental Health Services	
2.1 Community Mental Health Services.....	
28,182,000.00	
2.2 Middle Tennessee Mental Health Institute.....	
10,798,900.00	
2.3 Western Mental Health Institute.....	
9,245,800.00	
2.4 Moccasin Bend Mental Health Institute.....	
6,542,800.00	
2.5 Memphis Mental Health Institute.....	
2,160,200.00	
3. Community Substance Abuse Services.....	
77,932,700.00	
Total Title III-14.....	\$ 143,108,300.00
15. Department of Military	
1. Administration.....	\$
887,800.00	
2. Army National Guard.....	
6,915,300.00	
3. Air National Guard.....	
10,571,100.00	
4. Tennessee Emergency Management Agency.....	
10,416,100.00	

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5. TEMA Disaster Relief Grants.....	40,000,000.00
6. Homeland Security Grants.....	5,090,500.00
7. Armories Utilities.....	3,926,200.00
8. Armories Maintenance.....	8,046,400.00
9. Station Commanders Upkeep and Maintenance Fund.....	250,000.00
Total Title III-15.....	\$ 86,103,400.00
16. Department of Health	
1. Administration	
1.1 Administration.....	\$ 9,558,800.00
1.2 Public Health Policy, Planning, and Informatics.....	12,981,200.00
2. Manpower Resources and Facilities	
2.1 Health Licensure and Regulation.....	15,505,600.00
2.2 Emergency Medical Services.....	2,145,200.00
2.3 Laboratory Services.....	15,580,300.00
2.4 Health Related Boards.....	2,337,300.00
3. Community Health Services	
3.1 Environmental Health.....	88,600.00
3.2 Family Health and Wellness.....	50,831,500.00
3.3 Communicable and Environmental Disease and Emergency Preparedness.....	71,890,300.00
3.4 Community and Medical Services.....	1,609,400.00
3.5 Women, Infants, and Children (WIC).....	136,024,400.00
4. Health Services.....	141,282,700.00
Total Title III-16.....	\$ 459,835,300.00
17. Department of Human Services	

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1. Administration	
1.1 Administration.....	\$
96,236,400.00	
1.2 County Rentals.....	
9,589,400.00	
1.3 Appeals and Hearings.....	
5,960,800.00	
2. Family Assistance Services	
2.1 Child Support.....	
78,078,800.00	
2.2 Child Care Benefits.....	
206,488,400.00	
2.3 Temporary Cash Assistance.....	
99,996,600.00	
2.4 Supplemental Nutrition Assistance Program.....	
1,709,112,700.00	
2.5 Family Assistance Services.....	
116,858,300.00	
3. Community Services.....	
166,316,200.00	
4. Rehabilitative Services	
4.1 Rehabilitation Services.....	
77,089,300.00	
4.2 Disability Determination.....	
67,954,200.00	
Total Title III-17.....	\$
2,633,681,100.00	
18. Department of Revenue	
1. Administration	
Division.....	\$ 13,948,900.00
2. Collection Services.....	
3,369,900.00	
3. Taxpayer Services Division.....	
1,671,200.00	
4. Processing Division.....	
3,294,700.00	
5. Audit Division.....	
11,086,000.00	
6. Vehicle Services Division.....	
1,545,400.00	
Total Title III-18.....	\$ 34,916,100.0
19. Tennessee Bureau of Investigation.....	\$
32,021,700.00	

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Total Title III-19.....	\$ 32,021,700.00
20. Department of Safety	
1	.
Administration.....	\$
546,000.00	
2. Driver License Issuance.....	
33,513,200.00	
3. Highway Patrol.....	
13,311,800.00	
4. Auto Theft Investigations.....	
349,800.00	
5. Office of Homeland Security.....	
565,600.00	
6. Technical Services.....	
6,008,000.00	
7. Communications.....	
1,260,600.00	
8. Tennessee Highway Safety Office.....	
23,116,600.00	
Total Title III-20.....	\$ 78,671,600.00
21. Department of Finance and Administration, Strategic Health-Care Programs	
1. CoverKids.....	\$
153,270,300.00	
2. CoverRX.....	
1,600,000.00	
3. Health-Care Planning and Innovation.....	
7,782,200.00	
Total Title III-21.....	\$ 162,652,500.00
22. Department of Children's Services	
1	.
Administration.....	\$
27,772,500.00	
2. Family Support Services.....	
27,627,100.00	
3. Custody Services.....	
287,878,900.00	
4. Adoption Services.....	
73,143,400.00	
5. Child and Family Management.....	
179,735,800.00	
6. John S. Wilder Youth Development Center.....	
400,800.00	

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7. Major Maintenance.....	
15,000.00	
8. Social Security Income.....	
13,737,200.00	
Total Title III-22.....	\$ 610,310,700.00
23. Board of Parole.....	\$
1,000.00	
Total Title III-23.....	\$ 1,000.00
24. Department of Intellectual and Developmental Disabilities	
1. Intellectual Disabilities Services	
Administration.....	\$ 31,745,000.00
2. Community Intellectual Disabilities Services.....	
29,052,000.00	
3. Protection from Harm.....	
5,635,700.00	
4. Harold Jordan Center.....	
4,160,100.00	
5. West Tennessee Regional Office.....	
11,840,700.00	
6. Middle Tennessee Regional Office.....	
11,860,800.00	
7. East Tennessee Regional Office.....	
11,256,700.00	
8. Seating and Positioning Clinics.....	
772,600.00	
9. West Tennessee Community Homes.....	
20,040,600.00	
10. Middle Tennessee Community Homes.....	
15,171,300.00	
11. East Tennessee Community Homes.....	
21,482,400.00	
12. Tennessee Early Intervention Services.....	
32,489,400.00	
Total Title III-24.....	\$ 195,507,300.00
25. Department of Finance and Administration, Bureau of	
TennCare	
1. TennCare	
Administration.....	\$
567,593,900.00	
2. TennCare Medical Services.....	
6,988,898,900.00	
3. Supplemental Payments.....	
446,592,200.00	

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4. Intellectual Disabilities Services.....			
641,053,800.00			
5. Medicare Services.....			
382,581,100.00			
Total	Title	III-25.....	\$
9,026,719,900.00			
26. Department of Transportation			
1. Headquarters.....			\$
15,500,000.00			
2. Bureau of Administration.....			
370,200.00			
3. Bureau of Operations.....			
723,274,000.00			
4. Bureau of Engineering.....			
200,458,500.00			
5. Bureau of Environment and Planning.....			
134,130,300.00			
Total	Title	III-26.....	\$
1,073,733,000.00			
27. Facilities Revolving Fund			
1. Facilities Operations.....			\$
56,897,400.00			
2. Facilities Maintenance.....			
3,830,000.00			
3. Leases and Space Planning.....			
63,888,100.00			
4. FRF Debt Service.....			
23,900,000.00			
Total Title III-27.....			\$ 148,515,500.00
28. State Building Commission			
1. Major Maintenance and Equipment.....			\$
150,000.00			
Total Title III-28.....			\$ 150,000.00
Grand	Total.....		\$
17,910,652,100.00			

SECTION 5. Refund of Receipts; Cancellation of Unredeemed Warrants; Recovery of Returned Checks.

Item 1. There is hereby appropriated the necessary and sufficient sums to refund any collection or part thereof made erroneously or illegally for the use or benefit of the state or any of its departments, institutions, offices or agencies. Such refunds shall be made in accordance with existing law as applicable in any particular case.

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Item 2. With respect to any revenues or receipts collected by any department or agency with the exception of those collected by the Department of Revenue, such amounts as are determined to have been erroneously paid may be refunded by the procedure established pursuant to Tennessee Code Annotated, Section 9-4-607.

Item 3. The cancellation and write-off of unredeemed warrants, drafts, and checks drawn on the State Treasury and subsequent claims by the payee of said instruments shall be subject to the procedures specified in Tennessee Code Annotated, Section 9-4-601(a)(2).

Item 4. The Commissioner of Finance and Administration shall maintain a policy to recover state funds and the state's costs associated with checks, warrants, drafts, and electronic funds transfers deposited to a state account that are subsequently returned unpaid by the drawer's bank.

SECTION 6. Certain Debt Service and Related Matters. In addition to the appropriations made to the State Funding Board in Section 1, Title III-31, of this act, there is appropriated the following items:

Item 1. From the funds appropriated in Section 1, Title III-31, Item 6, Amortization of Authorized and Unissued Highway Bonds, the sum of \$76,000,000.00 is appropriated in lieu of issuing highway bonds under the provisions of Chapter 452, Public Acts of 2013. The State Funding Board shall take the necessary action to cancel the unissued bonds.

Item 2. From the appropriation made in Section 1, Title III-31, of this act to the State Funding Board, a sum not to exceed \$3,711,000 is earmarked to pay debt service on general obligation bonds issued under the authority of Chapter 582, Public Acts of 1996, for the purpose of making a grant to the Metropolitan Government of Nashville and Davidson County for the construction of a sports stadium. It is the legislative intent that said appropriations shall be funded first from the sales tax revenues allocated under the provisions of Tennessee Code Annotated, Section 67-6-103(d)(1), and any revenues in excess of debt service requirements shall be reserved at June 30 and not revert to the fund balance and that said appropriations, to the extent required, shall be funded second from revenues and reserves available to the debt service fund.

Item 3. To provide the debt service on the general obligation bonds authorized under Chapter 313, Public Acts of 2003, relative to State Veterans' Homes, there is hereby appropriated a sum sufficient from the funds available to the State Funding Board pursuant to agreements entered into thereunder.

Item 4. From the funds appropriated in Section 1 and Section 4 of this act to the Tennessee Board of Regents for defraying operating expenses in this act and other acts of the legislature for the state Colleges of Applied Technology, with the approval of the State Building Commission a sum sufficient is appropriated to be used for payments to the State Funding Board as required for any debt issued in an

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amount not to exceed \$34,000,000 under the authorization of Chapter 470, Public Acts of 2011.

Item 5. From the funds appropriated in Section 1 and Section 4 of this act to the Tennessee Board of Regents and the boards of Middle Tennessee State University and the University of Memphis for defraying operating expenses in this act and other acts of legislature, with the approval of the State Building Commission a sum sufficient is appropriated to be used for payments to the State Funding Board as required for any debt issued in an amount not to exceed \$10,700,000 under the authorization of Chapter 591, Public Acts of 2007.

Item 6. In addition to the appropriations made in Section 1, Title III-31, of this act to the State Funding Board, and to the extent that the board issues any tax revenue anticipation notes pursuant to the provisions of Tennessee Code Annotated, Section 9- 9-301, there is hereby appropriated a sum sufficient from subsequently available funds of the state to pay debt service on such notes within the fiscal year of issuance.

Item 7. There is hereby appropriated to the Tennessee State School Bond Authority a sum sufficient in the amount of payments allowable to the Authority from the federal government pursuant to the qualified school construction bond program or similar programs, for purposes of debt service on such bonds.

Item 8. The funding of the appropriations for interest on state debt and retirement of bonds made in Section 1, Title III-31 of this act includes an allocation of motor vehicle title fees to the debt service fund in the amount of \$2,700,000. The allocation is made from the sum generated by the \$1.50 motor vehicle title fee imposed under the provisions of Tennessee Code Annotated, Section 55-6-101(a)(1).

It is the legislative intent to recognize that the revenue generated from the \$1.50 fee is earmarked for the purpose of paying the principal and interest on bonds authorized in the amount of \$5,000,000.00 and issued pursuant to the provisions of Chapter 1028, Public Acts of 1992. Any funds in excess of the amount so required are earmarked for the purpose of paying the principal and interest on general obligation bonds authorized to fund capital projects at state parks.

Item 9. From the funds appropriated in Section 1, Title III-31, Item 5, of this act, for Amortization of Authorized and Unissued Construction Bonds, the sum of \$7,000,000 is appropriated in lieu of issuing bonds for the interoperable communication system upgrade under the provisions of Chapter 1024, Public Acts of 2012. The State Funding Board shall take the necessary action to cancel unissued bonds.

Item 10. There is hereby appropriated a sum sufficient from general fund interest earnings for the purpose of funding the State of Tennessee's liability under IRS regulations for arbitrage interest earnings on proceeds from general obligation debt.

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SECTION 7. Earmarked Appropriations. The appropriations made by this act under Sections 1 and 4 shall be subject to the following provisions, limitations, or restrictions. From the funds appropriated to the:

Item 1. State Election Commission in Section 1, Title III-1, Item 3.2, there is hereby appropriated funds for expenses of the State Election Commission, including the printing of election laws, the office of the Coordinator of Elections, and other expenses of administering election laws. The salary of each member of the State Election Commission shall be six thousand eight hundred fifty-seven dollars and sixteen cents (\$6,857.16) annually. The Secretary of State is hereby authorized to make all necessary purchases of election supplies from funds appropriated for such purpose in accordance with state purchasing procedures.

Item 2. Comptroller of the Treasury and the Department of Finance and Administration, there is hereby authorized to be allocated an amount not to exceed \$45,000 for the purpose of meeting the State of Tennessee's participation in the cost of supporting the National Council on Governmental Accounting or a governmental accounting standards board in the establishment of governmental accounting standards and principles.

Item 3. Criminal Injuries Compensation in Section 1, Title III-1, Item 8.1, there is appropriated a sum not to exceed \$302,200 for grants to the District Attorneys General for domestic violence prevention and drug enforcement activities authorized under Tennessee Code Annotated, Section 29-13-116.

Item 4. Criminal Injuries Compensation, in Section 1, Title III-1, Item 8.1, pursuant to Tennessee Code Annotated, Section 40-38-405 there is earmarked the sum of \$100,000 for the sole purpose of making a grant in such amount to the Tennessee Coalition Against Domestic and Sexual Violence to support the activities of the Tommy Burks Victim Assistance Academy.

Item 5. Treasury Department in Section 4, Title III-1, Item 6.1, there are hereby appropriated funds sufficient to defray the cost of administering, on behalf of state employees compensated on the centralized state payroll system, Tennessee Code Annotated, Title 8, Chapter 25, Part 1, the same being the "Government Employees' Deferred Compensation Plan Act"; and Tennessee Code Annotated, Title 8, Chapter 25, Part 3, the same being the "Profit Sharing or Salary Reduction Plans".

Item 6. Governor's Office in Section 1, Title III-2, Item 1.1, an amount of sixty thousand dollars (\$60,000) per year for Maintenance of the Tennessee Residence (Executive Residence) and travel expenses as certified by the Governor shall be paid by the Commissioner of Finance and Administration, it being the legislative intent that the residence should be maintained and operated as the official residence and office of the Chief Executive of Tennessee in a manner required of the Office of Governor.

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Item 7. Arts Commission in Section 1, Title III-2, Item 2.9, the sum of \$80,000 is hereby appropriated for the purpose of making a grant to Fisk University for the necessary staff, services and other costs associated with maintaining and showing the Stieglitz Collection at Fisk University. It is the legislative intent that this appropriation is a direct appropriation grant and that it be processed accordingly by the Commissioner of Finance and Administration. This appropriation is made under the provisions of Tennessee Code Annotated, Section 4-20-202.

Item 8. Arts Commission in Section 1, Title III-2, Item 2.9, an amount of \$100,000 is for the purpose of a grant to the Tennessee Performing Arts Center Management Corporation for educational activities.

Item 9. Arts Commission in Section 1, Title III-2, Item 2.9, an amount of \$45,000 is for the purpose of a grant to Africa in April Cultural Awareness Festival, Inc., to support the Africa in April Cultural Awareness Festival.

Item 10. To the State Museum in Section 1, Title III-2, Item 2.10, an amount of \$100,000 is for the purpose of maintenance, restoration, and operational expenses of the Green McAdoo Cultural Center, if the center is given to the state.

Item 11. Department of Finance and Administration, Criminal Justice Programs, in Section 1, Title III-2, Item 3.5, there is hereby earmarked a sum sufficient from the proceeds of the \$15.00 privilege tax on marriage licenses for purposes of funding family violence shelters and shelter services. This appropriation is made under the provisions of Tennessee Code Annotated, Section 67-4-411.

Item 12. Department of Finance and Administration, Strategic Technology Solutions (STS) Operations, in Section 1, Title III-2, Item 3.2, an amount of \$1,796,800 is for the purpose of employee training in next generation information technology (Next Generation IT). The Commissioner of Finance and Administration is authorized to transfer these appropriations to the appropriate organizational units of state government, to adjust rates to reflect these purposes, to reduce the appropriations to an amount required by the adjusted rates, and to adjust departmental revenue estimates accordingly.

Item 13. Department of Finance and Administration, Division of Accounts, in Section 1, Title III-2, Item 3.3, an amount of \$2,730,500 is for the purpose of funding a centralized accounting unit providing services to small agencies of state government. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the appropriate organizational units of state government, to adjust rates to reflect this purpose, to reduce the appropriation to an amount required by the adjusted rate, and to adjust departmental revenue estimates accordingly. The commissioner is further authorized to transfer accounting positions from the organizational units of the agencies to the Division of Accounts.

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Item 14. Finance and Administration in Section 4, Title III-2, Item 2.3, pursuant to Tennessee Code Annotated, Section 8-25-401, for administering the "Cafeteria Benefits Plan" for state employees.

Item 15. Department of General Services in Section 1, Title III-2, Item 4.3, shall be paid as a direct appropriation to the Governor's Early Literacy Foundation.

Item 16. Department of Agriculture, Forestry Operations, in Section 1, Title III-3, Item 5, the sum of \$2,000,000 is intended to fund the depreciation cost to replace bulldozers and wildland firefighting equipment. Unexpended funds for this purpose may be carried forward and held in reserve until such a time as replacement is deemed necessary.

Item 17. Department of Tourist Development, in Section 1, Title III-4, there is hereby appropriated a sum not to exceed twelve thousand five hundred dollars (\$12,500), sufficient to defray the cost of advertising and other expenses in connection with special events in which Tennessee is represented and/or events within the state for which Tennessee will act as official host. Any allotment of funds made under the authority of this section shall be made only on the approval of the Commissioner of Finance and Administration.

Item 18. Department of Tourist Development, in Section 1, Title III-4, and Department of Economic and Community Development, in Section 1, Title III-8, there shall be paid expenses incurred by the two departments in representing the state in its official capacity; provided, however, that nothing herein shall authorize the expenditure by each agency for such purposes in excess of five thousand dollars (\$5,000) per annum. The amount and purposes of such expenses are subject to approval by the Commissioner of Finance and Administration.

Item 19. Department of Environment and Conservation, Environmental Protection Fund, in Section 1, Title III-5, the sum of \$5,280,000 is from revenues available to the Environmental Protection Fund pursuant to Tennessee Code Annotated, Title 68, Chapter 203, from funds paid by the Tennessee Valley Authority (TVA) pursuant to a Consent Decree regarding air emissions in Tennessee. Departmental revenues shall be adjusted accordingly. These funds shall be exempt from and shall not be considered in the calculations required by Tennessee Code Annotated, Section 68-203-104(b), (c), or (d). These funds shall be available for the purpose of funding energy conservation, alternative energy and/or pollution prevention projects and any other projects authorized by the Consent Decree.

Item 20. Department of Environment and Conservation, Maintenance of Historic Sites, in Section 1, Title III-5, Item 9, an amount of \$30,000 is for the sole purpose of supplementing funding available for historic sites acquisition, improvements, maintenance, and interpretation at the Parker's Crossroads Battlefield. This item is to be allotted as a direct appropriation grant to the City of Parker's Crossroads. Further, any unexpended funds shall not revert to the

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general fund and shall be carried forward in a reserve to be expended for purposes of this item.

Item 21. The Historical Commission, in Section 1, Title III-5, Item 8, an amount of \$100,000 (recurring) to for the sole purpose of making a grant in such amount to the Stax Museum of American Soul Music, to be used for defrayal of operational costs.

Item 22. Historical Commission, in Section 1, Title III-5, Item 8, the sum of \$100,000 for the sole purpose of making a grant in such amount to the Tennessee Historical Society to be used for operational expenses.

Item 23. Historical Commission, in Section 1, Title III-5, Item 8, the sum of \$19,000 for the sole purpose of making a grant to the Frank Clement Museum Foundation.

Item 24. Department of Correction, Community Corrections, in Section 1, Title III-7, Item 5, the department is authorized to make a grant of up to \$832,000 to "Project Return."

Item 25. Department of Correction, Community Corrections, in Section 1, Title III-7, Item 5, the sum of \$136,500 is for the sole purpose of making a grant in such amount to DISMAS, Inc., to be used for assisting with their programs in the State of Tennessee, and for no other purpose. From the funds appropriated to DISMAS, Inc., there is earmarked the sum of \$25,000 to Chattanooga Endeavors (formerly DISMAS House of Chattanooga) and \$8,000 to Better Decisions (formerly DECISIONS, a program of the DISMAS, Inc., home office) for the sole purpose of maintaining operations at their former level.

Item 26. Department of Correction, in Section 1, Title III-7, the sum of \$250,000 for the sole purpose of making a grant in such amount to the Tennessee Higher Education Initiative, to be used for programs and services that provide access to on-site degree-bearing higher education for individuals in Tennessee prisons. Any unexpended funds shall not revert to the general fund and shall be carried forward in a reserve to be expended for purposes of this item.

Item 27. Department of Education, Grants-in-Aid, in Section 1, Title III-9, Item 2.1f, the sum of \$100,000 is to be paid to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 28. Department of Education, in Section 1, Title III-9, the sum of \$200,000 is to be paid to the Arts Academy to be used for teacher professional development.

Item 29. Department of Education, in Section 1, Title III-9, Item 3, College, Career and Technical Education, the sum of \$1,900,000 for Governor's Schools.

Item 30. Department of Education, in Section 1, Title III-9, Item 2.1f, Grants-InAid, the sum of \$2,786,800 to be granted to public television stations.

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Item 31. Department of Education, in Section 1, Title III-9, Item 2.1i, Early Childhood Education, the sum of \$3,050,000 for family resource centers.

Item 32. Department of Education, in Section 1, Title III-9, the sum of \$50,000 for the sole purpose of making grants to the Science Alliance museums.

Item 33. Department of Education, in Section 1, Title III-9, the sum of \$900,000 for the sole purpose of making a grant in such amount to the Tennessee Science, Technology, Engineering, and Mathematics (STEM) Innovation Network (TSIN), for continuation of an innovation hub in West Tennessee.

Item 34. Department of Commerce and Insurance, Fire Fighting Personnel Standards and Education, in Section 1, Title III-11, Item 5, funds are earmarked for payment to eligible units of local government to pay bonus supplements to firefighters who successfully complete during calendar year 2021 an in-service training program appropriate to such firefighter's rank and responsibility and the size and location of the department of at least forty (40) hours duration at a school established or certified by such commission. The funds appropriated by this item shall be disbursed in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 24 and Section 56-4-205(c), and no supplement to any person shall exceed eight hundred dollars (\$800).

Item 35. Department of Commerce and Insurance, Peace Officer Standards and Training (POST) Commission in Section 1, Title III-11, Item 6, funds are earmarked for payment to eligible units of local government which have required all police officers to complete during calendar year 2021 an in-service training course appropriate to each officer's rank and responsibility commensurate with the size and location of the department of at least forty (40) hours duration at a school certified or recognized by the POST Commission. The funds appropriated by this item shall be disbursed in accordance with the provisions of Tennessee Code Annotated, Title 38, Chapter 8, Part 1, and no recipient shall be eligible to receive a supplement of more than eight hundred dollars (\$800).

Item 36. Department of Commerce and Insurance, Regulatory Boards, in Section 1, Title III-11, Item 9, an amount of \$400,000 is earmarked from the Board of Architectural and Engineering Examiners revenues or reserve funds for disbursement to accredited interior design programs, accredited architectural programs, accredited engineering programs and accredited landscape architectural programs of any college or university in the state of Tennessee, after application to and subject to approval by the Board of Architectural and Engineering Examiners. The Board will develop guidelines for application, award and disbursement of the funds appropriated herein.

Item 37. Mental Health and Substance Abuse Services, Community Mental Health Services, in Section 1, Title III-14, Item 2.5, the

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department is authorized to expend up to one hundred fifty thousand dollars (\$150,000) for reimbursement of licensed supportive living facilities for the mentally ill, pursuant to Tennessee Code Annotated, Section 12-4-308, and such funds are specifically appropriated for that purpose.

Item 38. Department of Mental Health and Substance Abuse Services, Community Mental Health Services, in Section 1, Title III-14, Item 2.5, an amount of \$700,000 is to be paid to Centerstone Military Services, in three regions of Tennessee for the purpose of providing professional counseling services to veterans and their families who suffer from post-traumatic stress disorder (PTSD).

Item 39. Department of Health, Community and Medical Services, in Section 1, Title III-16, Item 3.4, an amount of \$263,700 is to be paid to St. Jude Hospital in Memphis to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 40. Department of Health, Health Services, in Section 1, Title III-16, Item 4, the sum of three million dollars (\$3,000,000) for the Health Access Incentive Fund. The commissioner of health shall direct these funds, subject to the approval of the commissioner of finance and administration, to programs designed to enhance health access. The programs may include, but not be limited to, funding for services provided by federally qualified health centers, recruitment incentives, community initiatives, service-linked training opportunities, support for high technology/telecommunications efforts, prevention initiatives, efforts to improve the built environment, strategies to improve the health of the population, and other strategies to expand primary, obstetric and dental health care services in underserved areas. Pursuant to a finding of need by the commissioner, the health access program may also address the lack of adequate access in underserved areas to other health care providers and health care services such as emergency medicine, mental health care, and prevention treatment services for low income, pregnant substance abusers.

Item 41. Department of Health, Community and Medical Services, in Section 1, Title III-16, Item 3.4, there is appropriated the sum of \$190,000 for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee Department of Health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for

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males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 42. Department of Health, Community and Medical Services, in Section 1, Title III-16, Item 3.4, the amount of \$100,000 is to be paid to Crumley House, located in Washington County, to provide programs and services on behalf of persons suffering from traumatic brain injuries.

Item 43. Department of Health, in Section 1, Title III-16, the sum of \$500,000 for the sole purpose of making grants in the amount of \$100,000 each to the five (5) Regional Perinatal Centers: Erlanger Health System/Children's Hospital at Erlanger; Johnson City Medical Center; the University of Tennessee Medical Center at Knoxville; Vanderbilt University Medical Center/Monroe Carrell, Jr. Children's Hospital at Vanderbilt; and, the Regional Medical Center at Memphis; to be used to provide additional nurse educators and associated services.

Item 44. Department of Human Services in Section 1, Title III-17, and from revenues receivable by the department pursuant to the appropriation of federal revenue in Section 4, Title III-17, an amount not to exceed three million dollars (\$3,000,000) hereby is appropriated to the department for the purpose of making advance payments to certain social services contractors, pursuant to Tennessee Code Annotated, Title 71, Chapter 1, Part 2.

Item 45. Department of Human Services in Section 1, Title III-17, Item 3, the amount of \$1,613,600 is to be paid to Human Resource Agencies and Community Action Agencies subject to the provisions of Section 21 of this act.

Item 46. Department of Human Services in Section 1, Title III-17, the amount of \$1,000,000 for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

- (a) 35% to Second Harvest Food Bank of Middle Tennessee;
- (b) 25% to Memphis Food Bank;
- (c) 20% to Second Harvest Food Bank of East Tennessee;
- (d) 10% to Chattanooga Area Food Bank;
- (e) 10% to Second Harvest Food Bank of Northeast Tennessee.

Item 47. Human Services, the sum of \$100,000 (recurring) for the sole purpose of making a grant in such amount to Society of St. Andrew - Tennessee, to be used for food bank supplies and operational expenses related to hunger relief.

Item 48. Miscellaneous Appropriations, Tennessee Association of Rescue Squads, in Section 1, Title III-22, Item 10.2, the appropriation is for the sole purpose of maintaining a state headquarters of the

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association and to pay the salary of an executive director of the association and other expenses appurtenant thereto.

Item 49. Miscellaneous Appropriations in Section 1, Title III-22, Item 8, for Intergovernmental Conference Dues, it is the legislative intent that annual dues assessed by the Council of State Governments (CSG), the National Conference of State Legislatures (NCSL), and the National Conference of Insurance Legislators be paid timely in the following amounts: (a) CSG, \$206,464; (b) NCSL, \$239,709; and (c) National Conference of Insurance Legislators, \$20,000.

Item 50. Miscellaneous Appropriations, UT-CBER – Research Assistance, and UT-CBER – State Census Data Center, in Section 1, Title III-22, Items 10.10 and 10.11, are for research assistance to the Department of Finance and Administration and for services delivered under the state data contract with the U.S. Census Bureau.

Item 51. Miscellaneous Appropriations, Rural Education Initiative, in Section 1, Title III-22, Item 10.21, shall be paid as a direct appropriation to the Governor's Rural Education Foundation.

Item 52. Department of Children's Services, Family Support Services, in Section 1, Title III-23, Item 2, the amount of \$49,000 is to be paid to A Secret Safe Place for Newborns of Tennessee, Inc., to be used for operational expenses.

Item 53. Emergency and Contingency Fund in in Section 1, Title III-27, there is hereby appropriated an amount not to exceed one million dollars (\$1,000,000) for the following purposes: (1) assistance related to natural disasters, including but not limited to, forest fires, floods, and tornadoes, (2) payment of indemnities for destruction of livestock, including poultry, and extraordinary veterinary payrolls for cattle market fluctuations by the Department of Agriculture, (3) payment of extraordinary expenditures for insect and pest control efforts and for extraordinary livestock, including poultry, disease control efforts by the Department of Agriculture, and (4) the cost of personnel and equipment needed to restore law and order in instances arising out of civil disorders.

Item 54. Higher Education, Contract Education, the amount of \$363,000 for a grant to the Southern College of Optometry.

SECTION 8. Sum-Sufficient Appropriations from State Revenues and Reserves. In addition to the appropriations made in Section 1 of this act and subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51, there is hereby appropriated a sum sufficient:

Item 1. To pay all lawful claims due from the state to any of the several counties thereof on account of unpaid court costs, unpaid allotments of taxes distributable by the state to the counties and such other sums as may be due from the state to the counties, but none of such funds shall be distributed to the counties of the state until after the validity of the claims has been investigated and approved by

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the State Comptroller and the Governor. Provided, however, that such funds shall not include funds due to counties and cities for the state share of costs to cities and counties as required by Section 24, Article II, of the Constitution of Tennessee.

Item 2. From the appropriations in Sections 1 and 4 of this act, for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of certain full-time state employees. Such payments shall be limited to the circumstances and made under the procedure established in Section 67-4-1709.

Item 3. For the purpose of implementing an employee maintenance policy by the Department of Finance and Administration. It is the legislative intent to hold harmless, employees affected by the maintenance policy who were employed as of June 30, 1998. The Commissioner of Finance and Administration is authorized to allocate the appropriation to the appropriate organizational units and programs of state government and to adjust federal aid and departmental revenue allotments accordingly.

Item 4. Settlement and Judgment Awards and Similar Awards. To affected state agencies, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. This appropriation shall not include any amounts of a settlement, judgment, or award not required to be set-aside or expended for a specific purpose, nor any amounts intended to reimburse or benefit the general fund, and such revenue hereby expressly is not appropriated. The Attorney General and Reporter shall file a written quarterly report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received. In addition to the report required on the receipt by the state of settlement and judgment awards in excess of \$1,000,000, the Attorney General and Reporter shall also file a written quarterly report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon the payment by any state officials and agencies of any settlement or judgment award against the state in excess of \$1,000,000. Such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment, and any other information deemed by the Attorney General and Reporter

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to be informative and not subject to any provision of law prohibiting its disclosure.

Item 5.

(a) In the fiscal year ending June 30, 2021, there is hereby appropriated a sum sufficient from the unexpended balances of grants made to state agencies under the provisions of Section 23 of Chapters 651 and 760, Public Acts of 2020, and previous appropriation acts, and previously classified in state accounts as deferred revenue, to be transferred to dedicated reserves in the general fund at June 30, 2020. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration.

(b) In the fiscal year ending June 30, 2022, there is hereby appropriated a sum sufficient from the dedicated reserves in the general fund created at June 30, 2021 from the unexpended balances of grants made to state agencies under the provisions of Section 23 of Chapters 651 and 760, Public Acts of 2020, and previous appropriation acts, and previously classified in state accounts as deferred revenue. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration.

Item 6. From general fund interest earnings for the purpose of funding the state's liability for the exchange of interest with the federal government as provided for in the Cash Management Act of 1990.

Item 7. From earmarked and/or dedicated agency revenues and reserves to provide for the costs of implementing the state's Underground Storage Tanks Program. The Commissioner of Finance and Administration shall allocate the costs to the individual agencies and establish the appropriations required from revenues and reserves available to the individual agencies.

Item 8. From the revenues and reserves of the Electronic Monitoring Indigency Fund created pursuant to Tennessee Code Annotated, Section 55-10-419, in the amounts allocated to the departments of Mental Health and Substance Abuse Services, and Safety, as follows:

(a) To the Department of Safety, Tennessee Highway Safety Office, for grants to local law enforcement agencies for obtaining and maintaining equipment and personnel for alcohol-related offenses;

(b) To the Department of Mental Health and Substance Abuse Services, Community Substance Abuse Services, for the alcohol and drug addiction treatment fund; and

(c) To the Department of Safety from its revenues pursuant to the cited law, to defray its expense of administering the program. Item 9. To the Tennessee Code Commission for the following purposes: (1) to purchase pocket supplements for the state-owned sets of Tennessee Code Annotated;

(2) to purchase replacement volumes for state-owned sets of Tennessee Code Annotated; (3) to purchase replacement sets of Tennessee Code Annotated; (4) to purchase sets of Tennessee Code

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Annotated for judges of new courts created during the 2021 Session of the General Assembly; (5) to purchase pocket supplements for the state-owned sets of the Index to the Private Acts of Tennessee; and (6) to pay for proofreading and other expenses involved in preparing supplements and replacement volumes for Tennessee Code Annotated.

Item 10. To pay the salaries and travel expenses of all persons appointed to sit as Special Judges, Special District Attorneys General and/or District Attorneys General Pro Tem, and Special Prosecutors under statutes relating to the state judicial system.

Item 11. To provide for indigent defendants counsel in capital cases.

Item 12. To pay fees of special counsel who may be employed by the Governor on recommendation of the Attorney General, in accordance with Tennessee Code Annotated, Section 8-6-106, and to pay other expenses in special cases of litigation involving the state. In matters involving the Tennessee Public Utility Commission, Housing Development Agency, Wildlife Resources Agency, Department of Financial Institutions, regulatory boards and other programs and agencies funded by earmarked or dedicated revenues, the sum sufficient appropriation shall be provided from said earmarked or dedicated revenues. In matters involving departments, agencies and/or programs funded in whole or in part with federal aid and/or departmental revenues and reserves, the sum sufficient appropriation may be provided in whole or in part from said revenues and reserves.

Item 13. To the Administrative Office of the Courts from revenues and reserves available to the following programs:

(a) Divorcing Parent Education and Mediation Fund and the Marriage License Tax pursuant to Tennessee Code Annotated, Section 36-6-413(b)(2).

(b) Tennessee Judicial Information System Fund pursuant to Tennessee Code Annotated, Section 16-3-807.

(c) Board of Professional Responsibility, Tennessee Lawyers Assistance Programs, Continuing Legal Education and Client Protection Fund. Additional positions as required are authorized to be established.

(d) Municipal Court Judges and Municipal Court Clerks Training and Continuing Legal Education pursuant to Tennessee Code Annotated, Section 16-18-304.

(e) General Sessions Judges' Conference pursuant to Tennessee Code Annotated, Section 16-15-5007 and Section 67-4-606(a)(9), to defray expenses of serving the general sessions courts.

(f) Judicial Commissioner Continuing Education Account pursuant to Tennessee Code Annotated, Section 67-4-602(k)(5).

(g) Civil Legal Representation from the earmarked litigation taxes levied pursuant to Tennessee Code Annotated, Section 67-4-602(g) and the earmarked bail bond tax levied pursuant to Section 67-4-

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806, for the purpose of providing legal representation to low-income Tennesseans, pursuant to Section 16-3-808. The Commissioner of Finance and Administration is authorized to adjust the appropriation in Section 1, Title II, Item 6, as realized receipts of the program justify.

(h) Professional Bail Bonding Agents Continuing Education from the earmarked bail bond tax levied pursuant to Tennessee Code Annotated, Section 67-4-806, for the purpose of developing and providing the education program, pursuant to Tennessee Code Annotated, Title 40, Chapter 11, Part 4. The Commissioner of Finance and Administration is authorized to adjust the appropriation in Section 1, Title II, Item 6, as realized receipts of this education program justify.

Item 14. To the Attorney General and Reporter from the revenues and reserves available to the following programs:

(a) False Claims Act Fund established pursuant to Tennessee Code Annotated, Section 4-18-104(j). The Commissioner of Finance and Administration is authorized to adjust the appropriation made under Section 1, Title III-1, Item 1.1, of this act to recognize any reimbursement for expenses already provided.

(b) Reserve for Attorney General Litigation Settlement. The Commissioner of Finance and Administration is authorized to establish positions as may be required.

Item 15. To the District Attorneys General Conference from the revenues and reserves of the district attorneys expunction fund created by Tennessee Code Annotated, Section 40-32-101(g)(10), for the purposes therein specified.

Item 16. To provide for payment of administrative law judge services. The Commissioner of Finance and Administration is authorized to allocate the funds to the appropriate organizational units, adjust departmental revenues accordingly, and establish authorized positions.

Item 17. To the Tennessee Local Development Authority a sum sufficient from the Underground Storage Tank Fund for the purpose of paying debt service and expenses in connection with any debt issued pursuant to the provisions of Chapter 444, Public Acts of 1997, relative to underground storage tanks.

Item 18. To the Office of the District Public Defenders Conference pursuant to Tennessee Code Annotated, Section 40-14-210. Additional positions as required are authorized to be established.

Item 19. To the District Public Defenders Conference from the revenues and reserves of the public defenders expunction fund created by Tennessee Code Annotated, Section 40-32-101(g)(11), for the purposes therein specified

Item 20. To the Treasury Department, Claims and Compensation, from the reserves of the Educator Liability Trust Fund authorized by Tennessee Code Annotated, Section 9-8-204, for the purposes therein specified.

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Item 21. To the Treasury Department, from bond forfeitures as a result of federal antitrust litigation settlements.

Item 22. To the Treasury Department, from the tuition guaranty fund established in Tennessee Code Annotated, Section 49-7-2018(b).

Item 23. To the Health Services and Development Agency a sum sufficient from the revenues and reserves of the agency.

Item 24. To the Corrections Institute, from revenues and reserves available to the Local Correctional Officer Training Fund pursuant to Tennessee Code Annotated, Section 41-7-104.

Item 25. To the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) from the TACIR reserves authorized by Tennessee Code Annotated, Section 4-10-107. The Commissioner of Finance and Administration is authorized to adjust departmental revenues accordingly, and establish authorized positions as needed.

Item 26. To the Tennessee Public Utility Commission a sum sufficient from the revenues and reserves of the commission.

Item 27. From revenues collected from accounts receivable, to provide for a consultant's services in review of accounts receivable management for the State of Tennessee and for the implementation of those recommendations to the extent the recommendations are approved by the Commissioner of Finance and Administration. The Commissioner of Finance and Administration may establish such positions as may be required to cost-effectively implement such recommendation. The Commissioner also is authorized to allocate a portion of the revenues collected to the appropriate organizational units and programs of state government and to adjust federal aid and other departmental revenue accordingly. Each allocation shall be a one-time incentive to maximize accounts receivable collections and shall be used to fund non-recurring items only.

Item 28. To the Department of Finance and Administration to reimburse the federal government for arbitrage on the state's general obligation debt.

Item 29. To the Department of Finance and Administration from revenues and reserves available to the following programs:

(a) To provide funding for the additional sexual assault program services pursuant to Tennessee Code Annotated, Title 71, Chapter 6, Part 3, and 40-24-108. Any unexpended funds shall not revert to the general fund balance at June 30 and are hereby reappropriated in the subsequent fiscal year.

(b) To provide funding for family violence shelters and shelter services pursuant to Tennessee Code Annotated, Sections 39-13-101 and 67-4-411. Any unexpended funds shall not revert to the general fund at June 30 and are hereby reappropriated in the subsequent fiscal year.

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(c) To provide funding from the revenues apportioned to the Domestic Violence Community Education Fund pursuant to Tennessee Code Annotated, Section 36-3-616.

(d) To provide funding from the litigation tax apportioned to fund grants to local governments to purchase and maintain electronic fingerprint imaging systems pursuant to Tennessee Code Annotated, Sections 67-4-602 and 606.

(e) To provide funding for grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders pursuant to Tennessee Code Annotated, Section 55-10-419(g)(2)(F). Any unexpended funds shall not revert to the general fund at June 30 and are hereby reappropriated in the subsequent fiscal year.

(f) To provide funding for grant awards to child abuse prevention services from the Child Abuse Fund pursuant to Tennessee Code Annotated, Section 39- 13-530.

(g) To provide funding for family mediation, education, and any related services, pursuant to Tennessee Code Annotated, Section 36-6-413.

(h) To provide funding for disbursements from the sale of specialty license plates pursuant to Tennessee Code Annotated, Section 55-4-301 and 55- 4-296.

Item 30. To the Department of Finance and Administration from the revenues deposited into the Event Tourism Fund pursuant to Tennessee Code Annotated, Section 67-6-105(c). The provisions of this item take effect upon becoming a law, the public welfare requiring it.

Item 31. To the Department of General Services, Real Estate Asset Management division, to replace any real estate transaction fees waived under the provisions of Tennessee Code Annotated, Section 4-3-1105(22). This appropriation is subject to approval of the State Building Commission.

Item 32. To the Department of Agriculture from revenues and reserves available to the following programs:

(a) Agricultural Resources Conservation Fund pursuant to Tennessee Code Annotated, Section 67-4-409(l).

(b) Agricultural Regulatory Fund pursuant to Tennessee Code Annotated, Title 43, Chapter 1, Part 7.

(c) Certified Cotton Growers' Organization Fund pursuant to Tennessee Code Annotated, Title 43, Chapter 6, Part 4.

(d) Tennessee Grain Indemnity Fund pursuant to Tennessee Code Annotated, Title 43, Chapter 32, Part 2.

(e) Agricultural Development, Agricultural Development Fund pursuant to Tennessee Code Annotated, Section 55-4-298.

(f) Division of Forestry, from the proceeds of revenue allocated pursuant to Tennessee Code Annotated, Section 11-14-305(b)(3), pertaining to the sale and replacement of real property.

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(g) Consumer and Industry Services a sum sufficient pursuant to Tennessee Code Annotated, Section 47-18-1311, pertaining to kerosene and motor fuels quality inspection.

Item 33. To the Department of Environment and Conservation from revenues and reserves available to the following programs:

(a) Local Park Land Acquisition Fund, State Lands Acquisition Fund, and State Lands Compensation Fund pursuant to Tennessee Code Annotated, Sections 67-4-409(i) and (j).

(b) Heritage Conservation Trust Fund pursuant to Tennessee Code Annotated, Section 11-7-103.

(c) State parks program from revenues derived from nonprofit support groups pursuant to Tennessee Code Annotated, Title 11, Chapter 3, Part 2.

(d) State Park Fund pursuant to Tennessee Code Annotated, Title 11, Chapter 3, Part 3.

(e) State Parks Maintenance from revenue received pursuant to Tennessee Code Annotated, Section 12-2-112(a)(10), from the lease of surplus state real property for communications relay apparatus or antennae sites.

(f) From revenues derived from the sale of Tennessee Elk River Development Agency lands. This appropriation is subject to approval by the Commissioner of Finance and Administration.

(g) Environmental Protection Fund pursuant to Tennessee Code Annotated, Title 68, Chapter 203, Part 1. Departmental revenues shall be adjusted accordingly.

(h) Radiation Reclamation Trust Fund and the Perpetual Care Trust Fund pursuant to Tennessee Code Annotated, Section 68-202-405

(i) Solid Waste Assistance program from revenues received pursuant to Tennessee Code Annotated, Title 67, Chapter 4, Part 16 and Title 68, Chapter 211, Part 8.

(j) Used Oil Collection Fund pursuant to Tennessee Code Annotated, Section 68-211-1004.

(k) Hazardous Waste Remedial Action Fund pursuant to Tennessee Code Annotated, Title 68, Chapter 212, Part 2.

(l) Petroleum Underground Storage Tank Fund pursuant to Tennessee Code Annotated, Title 68, Chapter 215, Part 1.

(m) Drycleaner Environmental Response Fund pursuant to Tennessee Code Annotated, Title 68, Chapter 217, Part 1.

(n) Solid Waste Disposal Site Restoration Fund pursuant to Tennessee Code Annotated, Section 68-211-116.

(o) Hazardous Waste Trust Fund pursuant to Tennessee Code Annotated, Section 68-212-108.

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(p) Tire Environmental Fund pursuant to Tennessee Code Annotated, Section 68-211-304.

(q) Ocoee River Recreation and Economic Development Fund pursuant to Tennessee Code Annotated, Section 11-8-103. The provisions of this item take effect upon becoming a law, the public welfare requiring it.

(r) Natural Areas, from donations to the program.

Item 34. To the Historical Commission from the Tennessee Civil War or War Between the States site preservation fund for the purposes provided in Tennessee Code Annotated, Section 4-11-112.

Item 35. To the Historical Commission from the historic property land acquisition fund for the purposes provided in Tennessee Code Annotated, Section 4-11-113.

Item 36. To the Wildlife Resources Agency from revenues available to the Wetlands Acquisition Fund and the Wetlands Compensation Fund pursuant to Tennessee Code Annotated, Section 67-4-409(g).

Item 37. To the Wildlife Resources Agency from the general fund for any difference between the actual charges to the agency under the indirect cost allocation plan and the amount the TWRA can justify and continue to receive federal funds.

Item 38. To the Wildlife Resources Agency from its own revenues to implement the programs, activities and projects approved by the Wildlife Resources Agency Commission. The Commissioner of Finance and Administration is authorized to adjust departmental revenue accordingly and to establish positions as may be required.

Item 39. To the Department of Correction from revenues and reserves available for the following programs:

(a) Sex Offender Treatment Program pursuant to Tennessee Code Annotated, Section 39-13-708.

(b) Probation and parole supervision and rehabilitation fees pursuant to Tennessee Code Annotated, Section 40-28-203.

Item 40. To the Department of Economic and Community Development, in addition to the appropriation in Section 1, Title III-8, Item 4, for the headquarters relocation assistance program pursuant to Tennessee Code Annotated, Section 67-4-2109(g)(2).

Item 41. To the Department of Education in amounts equal to the unexpended balances of prior year accrued liabilities in the following education programs: (a) Safe Schools Act of 1998, (b) State testing programs, (c) Governor's Schools, and (d) Special Schools.

Item 42. To the Department of Commerce and Insurance, Regulatory Boards, from revenues and reserves available for the following purposes:

(a) To purchase examinations for regulatory boards. This appropriation is contingent upon the fees collected for giving examinations being in excess of the budgeted estimates.

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(b) To fund data processing systems development and implementation.

Said appropriations are made pursuant to Tennessee Code Annotated, Section

9-4-5117.

(c) To the Real Estate Education and Recovery Fund, to provide for courtordered payments and to print and distribute to all licensees a manual of laws and rules and regulations.

(d) To the Auctioneer Education and Recovery Fund, to provide for courtordered payments.

(e) To the Cemetery Consumer Protection Fund pursuant to Tennessee Code Annotated, Section 46-1-105.

(f) To the Pre-Need Funeral Consumer Protection Fund pursuant to Tennessee Code Annotated, Section 62-5-414. The Commissioner of Finance and Administration is authorized to make transfers from the Pre-Need Funeral Consumer Protection Fund to the Burial Services program in the Division of Regulatory Boards.

(g) To the Board of Court Reporting pursuant to Tennessee Code Annotated, Section 20-9-616.

(h) To fund payments through the Board for Licensing Contractors pursuant to the Go Build Tennessee Act, Tennessee Code Annotated, Section 4- 41-105.

Item 43. To the Department of Commerce and Insurance, 911 Emergency Communications Fund, from the revenues collected pursuant to Tennessee Code Annotated, Title 7, Chapter 86, Part 3.

Item 44. To the Department of Financial Institutions from the following revenues:

(a) Annual banking fee assessed pursuant to Tennessee Code Annotated, Section 45-1-118. The appropriation from said source may be increased or decreased as realized receipts from the annual banking fee justify, subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

(b) Credit union annual supervision fee assessed pursuant to Tennessee Code Annotated, Section 45-4-1002, and credit union merger fees assessed pursuant to Tennessee Code Annotated, Section 45-4-903, and the appropriation from said fees and reserves may be increased or decreased as realized receipts from credit union regulation activities justify, subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

(c) Compliance division annual supervision fee assessed pursuant to Tennessee Code Annotated, Section 45-1-118(i), and the appropriation from said source may be increased or decreased as realized receipts from the compliance division justify, subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

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Item 45. To the Department of Labor and Workforce Development from revenues and reserves available to the following programs:

(a) Uninsured Employers Fund program pursuant to Tennessee Code Annotated, Section 50-6-801.

(b) Tennessee Occupational Safety and Health Administration (TOSHA) program pursuant to Tennessee Code Annotated, Title 50, Chapter 3, Part 4.

(c) Boilers, Elevators, and Amusement Devices pursuant to Tennessee Code Annotated, Sections 68-121-108, 68-121-110, 68-121-115, 68-121-117, 68-122-113, and 68-122-205.

(d) Lawful Employment Enforcement Fund pursuant to Tennessee Code Annotated, Section 50-1-708.

(e) Workers' Compensation Employee Misclassification [Education and enforcement Fund] pursuant to Tennessee Code Annotated, Section 50-6-913.

(f) Unemployment Compensation Special Administration Fund pursuant to Tennessee Code Annotated, Section 50-7-503.

Item 46. To the Department of Mental Health and Substance Abuse Services from the revenues and reserves available to the following programs:

(a) Alcohol and Drug Addiction Treatment Fund pursuant to Tennessee Code Annotated, Section 40-33-211(c)(2).

(b) Drug Court Treatment Program Resources Fund to provide funding to establish drug courts pursuant to Tennessee Code Annotated, Title 16, Chapter 22, Part 1.

Item 47. To the Department of Military to provide for the cost of personnel and equipment needed to maintain law and order in instances arising out of civil disorders.

Item 48. To the Department of Military, Disaster Relief Grants, for the purpose of matching federal funds and to the Department of Military to pay the administrative costs of the Disaster Relief Program. Said appropriations shall be made first from the Reserve for Disaster Relief, and they are in addition to the appropriation made in Section 1, Title III-15, Item 5, of this act. Federal aid and other departmental revenue may be adjusted accordingly.

Any unexpended funds remaining in the Reserve for Disaster Relief or from the appropriation made in Section 1, Title III-15, Item 5, of this act, other acts of this General Assembly or acts by previous General Assemblies shall not revert to the general fund balance at June 30.

Item 49. To the Department of Health from revenues and reserves available to the following programs:

(a) Nursing Home Resident Protection Trust Fund pursuant to Tennessee Code Annotated, Section 68-11-827.

(b) Child Safety Fund pursuant to Tennessee Code Annotated, Section 55-9-602(f).

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(c) Medicaid Nursing Home Trust Fund pursuant to Federal Regulations, Chapter 42, Section 488.442.

(d) Traumatic Brain Injury Fund to allow for the provision of enhanced and/or new services which benefit traumatic brain injury persons and their families as authorized in Tennessee Code Annotated, Title 68, Chapter 55, Part

4. Any additional appropriations provided under this item are non-recurring from carry-forward funds which exist in the Traumatic Brain Injury Fund and are subject to approval of the Commissioner of Finance and Administration.

(e) Health Related Boards, for data processing systems development and implementation costs and for the cost of investigations and subsequent prosecution of licensees in violation of their practice acts. Said appropriations are made pursuant to Tennessee Code Annotated, Section 9-4-5117.

(f) Trauma System Fund created by Tennessee Code Annotated, Section 68-59-105. Subject to approval of the Commissioner of Finance and Administration, the appropriation may be increased or decreased as collections from the tax established pursuant to Tennessee Code Annotated, Section 67-4-1025(e), justify.

(g) State Health Planning Division Reserve created pursuant to Tennessee Code Annotated, Section 68-11-1625(f).

Item 50. To the Department of Revenue to pay interest, attorney fees and other costs which are due with certain taxpayer refund payments.

Item 51. To the Department of Revenue from the C.I.D. Anti-Theft reserve fund pursuant to Tennessee Code Annotated, Section 55-3-206.

Item 52. To the Department of Revenue, Administration Division, from proceeds resulting from investigation and enforcement of state tobacco laws.

Item 53. To the Department of Revenue for sales tax disaster relief payments made pursuant to Tennessee Code Annotated, Section 67-6-396. Said appropriations shall be made first from the Department of Revenue unencumbered balance reserve for sales tax disaster relief, and they are in addition to the appropriation made in Section 1, Title III-18, Item 8, of this act.

Item 54. To the Department of Revenue, in addition to the appropriation in Section 1, Title III-18, Item 9, Tax Refund Interest Expense, for interest due to taxpayers on tax refunds pursuant to Tennessee Code Annotated, Section 67-1-801(b)(1).

Item 55. To the Department of Safety from revenues and reserves available to the following programs:

(a) Motorcycle Rider Safety reserve fund pursuant to Tennessee Code Annotated, Section 55-51-104.

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(b) Driver Education reserve fund pursuant to Tennessee Code Annotated, Section 67-4-606(a)(2)(B).

Item 56. To the Department of Transportation for payments to the Risk Management Fund. Said appropriation shall be made from the highway fund balance.

Item 57. To the Department of Transportation, for the Air, Water, and Rail Transportation program, from the Transportation Equity Fund. This appropriation is subject to the availability of revenue in the fund.

Item 58. To the Department of Transportation, in addition to the appropriations made in Section 1, Title III-30, for highway maintenance and state highway construction such amount as the Commissioner of Finance and Administration shall determine is available from tax revenues allocated to the highway fund and from the highway fund balance.

SECTION 9. Sum-Sufficient Appropriations from Departmental Revenues and Reserves. In addition to the appropriations made in Section 4 of this act and subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51, there is hereby appropriated a sum sufficient:

Item 1. To the Attorney General and Reporter, if the appropriation made in Section 4, Title III-1, Item 1.1, shall prove inadequate to allow the Attorney General and Reporter to represent the state agencies and officials before the Claims Commission, or state agencies and officials in other cases of litigation or other legal matters. The Commissioner of Finance and Administration, upon the request of the Attorney General and Reporter, is hereby authorized to increase the departmental revenue estimate by an amount sufficient to provide for such representation and to establish positions as may be required.

Item 2. To the Attorney General and Reporter a sum sufficient from the Risk Management Fund for the purposes of implementing the provisions of Tennessee Code Annotated, Title 8, Chapter 42, relative to legal representation for state employees. The Commissioner of Finance and Administration, upon the request of the Attorney General and Reporter, is authorized to establish positions as may be required to implement the provisions of Tennessee Code Annotated, Title 8, Chapter 42, Part 1.

Item 3. To the Attorney General and Reporter for the Consumer Affairs program from departmental revenues and reserves of the program.

Item 4. To the District Attorneys General Conference, from funds confiscated pursuant to Tennessee Code Annotated, Section 40-3-207.

Item 5. To the Bureau of Ethics and Campaign Finance from fees collected by the bureau.

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Item 6. To the Secretary of State, Help America Vote Act program, in Section 4, Title III-1, Item 3.7, from the state reserve for the Help America Vote Act for the purpose of matching federal funds.

Item 7. To the Comptroller of the Treasury, Division of Property Assessments, from revenues and reserves derived from the annual assessor's training session.

Item 8. To the State Treasurer, with the concurrence of the Speaker of the Senate and the Speaker of the House of Representatives, for the purpose of developing and implementing programs designed to enhance investment and pensions administration performance, including programs designed to recruit, hire, and retain qualified investment and administrative staff. The State Treasurer, with approval from the Commissioner of Finance and Administration, is further authorized to establish additional positions and funding for such positions needed to effectuate the purposes of this section.

Item 9. To the State Treasurer, Unclaimed Property, for payment of claims and claims administrative expense.

Item 10. To the State Treasurer from the revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g).

Item 11. To the State Treasurer from revenues and reserves available to the Financial Literacy Program pursuant to Tennessee Code Annotated, Section 49-6-1706.

Item 12. From the fund created in Tennessee Code Annotated, Section 65-5-113, to the State Treasurer for purposes of conducting a purchasing disparity study. It is the legislative intent that such study include the University of Tennessee system and the state university and community college system; provided, however, the costs of such study shall not exceed amounts previously set aside therefor. Should available funds be insufficient to conduct a valid purchasing disparity study, funds appropriated by this item may be used to conduct a review to determine best practices related to increasing purchasing opportunities with small and minority-owned businesses and to implement recommendations arising from the study.

Item 13. To the Treasury Department, Small and Minority-Owned Business Assistance Program, from funds allocated to the program pursuant to Tennessee Code Annotated, Section 65-5-113.

Item 14. To the Treasury Department, from fees and other charges for participation in the prepayment tuition program operated under the provisions of Tennessee Code Annotated, Title 49, Chapter 7, Part 8.

Item 15. To the State Treasurer, TN Stars College Savings 529 Program, from funds transferred into the program from the Small and Minority-Owned Business Assistance Program pursuant to Tennessee Code Annotated, Section 65-5-113(c).

Item 16. To the State Treasurer, TN Stars College Savings 529 Program, from financial management fees in the program.

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Item 17. To the Alcoholic Beverage Commission from departmental revenues available to defray the expenses of outstanding litigation.

Item 18. From federal funds available to the Tennessee Housing Development Agency, there is hereby appropriated a sum sufficient to meet obligations incurred by the agency, pursuant to the federal Section 8 program and the Hardest Hit Fund (HHF) Program.

Item 19. To the Tennessee Housing Development Agency from the sale or rental of housing and other property rehabilitated by the Neighborhood Stabilization Program.

Item 20. To Tennessee Rehabilitative Initiative in Correction Board (TRICOR), in an amount equal to the balance in the revolving fund, for benefit of the program.

Item 21. To the Tennessee State Museum from (a) deferred revenue and departmental revenues available to the museum to be used for the purchase of artifacts, and (b) donations made to the State Museum. Any unexpended revenues shall not revert to the general fund balance at June 30 and such revenues shall be carried forward in a reserve at June 30 and are hereby reappropriated in the subsequent fiscal year.

Item 22. To the Tennessee State Museum from departmental revenues from gift shop sales and rentals of museum space. Any unexpended revenues shall not revert to the general fund balance at June 30 and are hereby reappropriated in the subsequent fiscal year.

Item 23. The Commissioner of Finance and Administration is authorized to adjust departmental revenues related to inter-agency agreements with the Electronic Health Initiative for the purpose of implementing federal electronic health initiatives.

Item 24. To the Department of General Services for equipment and supplies ordered but not delivered at June 30, 2021.

Item 25. To the Department of General Services, Warehousing and Distribution program, from available revenues and reserves.

Item 26. To the Department of Agriculture from monies received for reimbursement for expenses incurred while providing firefighting personnel and services to other states.

Item 27. To the Department of Agriculture, Carbon Sequestration Program, from available revenues and reserves.

Item 28. To the Department of Agriculture, Forestry Operations, from federal aid and other departmental revenues for natural disasters, including wildfire emergencies. Subject to this appropriation, authorized positions may be increased as required for wildfire emergencies. This item is subject to approval by the Commissioner of Finance and Administration.

Item 29. To the Department of Tourist Development from revenues received from communities, businesses, non-state organizations, federal funds, and other sources of departmental revenue to be used for marketing programs of the department. Any unexpended balances

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at June 30 shall be carried forward in a reserve and are hereby reappropriated in the subsequent fiscal year.

Item 30. To the Department of Environment and Conservation, West Tennessee River Basin Authority, from funds provided by the counties within the authority area.

Item 31. To the Department of Environment and Conservation, Tennessee State Parks, from revenues collected by the parks system.

Item 32. To the Department of Environment and Conservation, Office of Energy Programs and Energy Loan Programs, from the revenues and reserves of the Petroleum Violation Escrow Fund.

Item 33. To the Department of Environment and Conservation, Natural Areas, from revenues generated from the disposal of invasive and/or non-native species from lands under department management undergoing ecological restoration and donations received for such purpose.

Item 34. To the Department of Environment and Conservation, Office of Energy Programs, from the revenues and reserves of the Volkswagen Environmental Mitigation Trust Fund.

Item 35. To the Department of Environment and Conservation, Clean Water and Drinking Water State Revolving Fund, for administrative expense reimbursement from the Comptroller of the Treasury.

Item 36. To the Department of Environment and Conservation, Office of Energy Program, from available revenues from settlements entered into by the Department.

Item 37. To the Department of Correction all monies collected as contraband from the inmate population at any of the facilities operated by or under authority of the department. Any unexpended revenue shall not revert to the state general fund balance pursuant to Tennessee Code Annotated, Section 4-6-147.

Item 38. To the Department of Correction for the federal State Criminal Alien Assistance Program.

Item 39. To the Department of Correction for revenues and reserves from the fees collected by inmate telephone calls.

Item 40. To the Department of Economic and Community Development from revenues received from communities, businesses, non-state organizations, federal funds, and other sources of departmental revenue to be used for marketing programs of the department. Any unexpended balances at June 30 shall be carried forward in a reserve and are hereby reappropriated in the subsequent fiscal year.

Item 41. To the Department of Economic and Community Development:

(a) To meet community development block grant expenditure requirements. This appropriation shall be from federal aid funds.

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(b) From monies received from conferences, trade missions, trade shows and other activities which reimburse the state for expenses.

(c) From interest earnings allocated to the FastTrack Program; Job Skills Fund; Broadband Fund, and Small Cities Community Development Block Grant (CDBG).

Item 42. To the Department of Economic and Community Development, for TNInvestco liquidation events, pursuant to Tennessee Code Annotated, Section Title 4, Chapter 28.

Item 43. To the Tennessee Film, Entertainment and Music Commission from departmental revenues received by and interest earnings allocated to the commission. This appropriation is subject to approval by the Commissioner of Finance and Administration.

Item 44. To the Department of Education, Achievement School District program, (a) grants to the district from non-profit entities, (b) from donations made to the program, and (c) student fees collected by the district; provided, further, that any new grants from non-profit entities are subject to the provisions of Section 23 of this act.

Item 45. To the Department of Education from student fees collected by the department and Special Schools.

Item 46. To the Department of Commerce and Insurance:

(a) Insurance, from revenues and reserves of the Insurance Education Fund.

(b) Securities, from the revenues and reserves of the Securities Enforcement and Legal Training reserve and the Securities Education Fund.

(c) Fire Prevention, for administration and payment of electrical inspections. This appropriation is contingent upon the fees collected for making electrical inspections being in excess of the budgeted estimate.

(d) Fire Service and Codes Enforcement Academy, from departmental revenues for administration and training purposes.

(e) Tennessee Law Enforcement Training Academy, from departmental revenues and reserves for administration and training purposes.

Item 47. To the Department of Labor and Workforce Development from federal aid funds and other departmental revenues.

Item 48. To the Department of Labor and Workforce Development from federal National Emergency Grant funds.

Item 49. To the Department of Mental Health and Substance Abuse Services from revenue received from managed care organizations and other non-state organizations for inpatient mental health services provided for publicly funded or potentially publicly funded persons.

Item 50. To the Department of Military, TEMA and Disaster Relief Grants, from federal aid disaster relief funds.

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Item 51. To the Department of Military, Station Commanders Upkeep and Maintenance Fund and Armories Maintenance, from the station commanders upkeep and maintenance fund created pursuant to Tennessee Code Annotated, Section 58-1- 512, to be used for purposes specified therein.

Item 52. To the Department of Health from departmental revenues related to premiums and drug rebates for the purpose of carrying out the provisions of the Ryan White program.

Item 53. To the Department of Health from departmental revenues received pursuant to Tennessee Code Annotated, Section 68-11-1307, to provide for contracts with qualified experts relative to hospital cooperative agreements.

Item 54. To the Department of Human Services, subject to the financial reporting requirement that the value of federal supplemental nutrition assistance be recognized in the state's accounting system, there is hereby appropriated a sum sufficient from federal funds to recognize the value of supplemental nutrition assistance.

Item 55. To the Department of Human Services from the revenues and reserves of the Tennessee Blind Enterprises program.

Item 56. To the Department of Human Services, Disability Determination Services, from federal aid provided by the federal Social Security Administration. Subject to this appropriation, the number of authorized positions may be increased to respond to changes in caseload. This item is subject to approval of the Commissioner of Finance and Administration.

Item 57. To the Tennessee Bureau of Investigation from revenues and reserves available to the following programs:

(a) To conduct records and background checks for handgun carry permits pursuant to Tennessee Code Annotated, Section 39-17-1351.

(b) To conduct criminal history records checks on purchasers of firearms (Tennessee Instant Check System – TICS) pursuant to Tennessee Code Annotated, Section 39-17-1316.

(c) To conduct criminal history checks for employment requirements pursuant to Tennessee Code Annotated, Sections 33-2-1201, 37-5-502, 49-5- 406, 68-11-233, 68-11-234, and 71-2-403.

(d) To certify endorsement of transporting hazardous material on commercial driver licenses pursuant to 49 CFR Part 1572.

(e) To provide criminal history information through the Tennessee Online Records Information System (TORIS) pursuant to Tennessee Code Annotated, Section 38-6-120.

Item 58. To the Department of Safety, Driver License Issuance, from revenues and reserves available to defray expenses of handgun carry permit program pursuant to Tennessee Code Annotated, Section 39-17-1351.

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Item 59. To the Department of Safety from any donations received from any nonprofit organization created pursuant to Tennessee Code Annotated, Section 4-3-2017.

Item 60. To the Department of Safety, the Department of Revenue, the Tennessee Bureau of Investigation, the Tennessee National Guard, the Alcoholic Beverage Commission, and the Office of Inspector General in the Department of Finance and Administration from the proceeds of property seized and forfeited under federal procedures which are shared with the departments or the commission.

Item 61. To the Department of Children's Services, for departmental revenues from the federal Social Security Administration for the benefit of children in the department's care.

Item 62. To the Department of Transportation from local government funds, federal aid and other departmental revenues.

Item 63. To the Department of Agriculture from departmental revenues from merchandise sales and rentals of agriculture space. Any unexpended revenues shall not revert to the general fund balance at June 30 and are hereby reappropriated in the subsequent fiscal year.

Item 64. To the Department of Education from donations to the Commission on Education Recovery and Innovation.

SECTION 10. Provisions, Limitations, and Restrictions on Appropriations. The appropriations made by this act shall be subject to the following provisions, limitations, or restrictions:

Item 1. Pursuant to Tennessee Code Annotated, Section 8-4-109 and Section 8-4-116, any entity which receives state funds appropriated by the provisions of this act shall be subject to audit by the Comptroller of the Treasury as to the expenditure and obligation of such funds.

Item 2. In case revenues are not adequate to meet in full all appropriations made by this act, the appropriations made for Sinking Fund Debt Service and the amounts necessary to cover the salary and wage obligations of the state shall have preferential payment.

Item 3. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code, 2000(d).

Item 4. No funds appropriated by this act shall be obligated and/or expended for any newsletter, periodical, or other material which is to be distributed to all, or substantially all, state employees (excluding higher education) until the agency head proposing to make such distribution contacts the two Speakers and makes available equal space for legislative information in such newsletter, periodical, or other material. This item shall not apply to policy and/or procedural directives.

Item 5. It is the legislative intent to encourage that all conferences, workshops, meetings, seminars, programs, and similar endeavors conducted for officials and/or employees of the legislative, executive,

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or judicial branch of state government be conducted in state facilities whenever practicable.

Item 6. From the appropriations made by this act, claims for official travel expenses of state employees and members of boards and commissions shall be paid in accordance with Tennessee Code Annotated, Section 8-26-116.

Item 7. From the appropriations in Sections 1 and 4 for the Appellate and Trial Courts and other relevant programs of the Judiciary, travel expenses of the state justices, judges, and chancellors shall be paid in accordance with Tennessee Code Annotated, Section 8-26-101(1) and other applicable law.

Item 8. The Supreme Court shall fix the salaries of the marshals for the Eastern, Middle, and Western Divisions, which salary shall be payable out of the appropriations for Appellate Court Clerks.

Item 9. The commission in charge of the Supreme Court Building in Nashville, established by Tennessee Code Annotated, Section 16-3-701, is authorized to employ an experienced Engineer-Superintendent to supervise the air-conditioning and heating of the Supreme Court Building at Nashville and to employ the necessary assistants to keep and maintain the building. Payment for said services shall be paid out of the appropriations made by this act.

Light, heat, and water for the Supreme Court Building in Nashville and for the Supreme Court Building in Knoxville is to be provided by the Department of General Services out of the appropriation herein made for it.

Item 10. Employees of the office of the Executive Director to the District Public Defenders Conference, District Public Defenders and employees of a District Public Defenders Office, as created pursuant to Tennessee Code Annotated, Title 8, Chapter 14, shall only travel and shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the Attorney General.

Item 11. The appropriation made in Section 1, Title III-1, Item 5.8, for the Tax Relief Program, is made for the purpose of providing tax relief for elderly low-income homeowners, disabled homeowners, and disabled veteran homeowners, as provided by law. The income eligibility limit for elderly low-income homeowners and for homeowners totally and permanently disabled shall be adjusted for the fiscal year 2021-2022 under the provisions of Tennessee Code Annotated, Section 67-5-702 and Section 67-5-703.

Item 12. From the funds appropriated to the TennCare program, the state shall comply with applicable federal law.

Item 13. Subject to the concurrence of the Commissioner of Finance and Administration, the Commissioner of Human Resources is authorized to develop and implement a system whereby the cost of the

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Board of Appeals created by Tennessee Code Annotated, Section 8-30-108, and of services rendered to the Department of Human Resources by the Administrative Procedures Division of the Department of State is recovered from those departments, boards and commissions to whom services are rendered.

Item 14. The funds appropriated in Section 4, Title III-3, Item 4, to Forestry Operations, shall include the proceeds from timber, communication access, and carbon credit sales conducted by the Department of Agriculture. It is the legislative intent that said proceeds shall be accounted for as departmental revenue

Item 15. The appropriation to the Department of Correction, Sex Offender Treatment Program in Section 1, Title III-7, Item 6, is made pursuant to Tennessee Code Annotated, Section 39-13-708.

Item 16. From the appropriation made to State Prosecutions in Section 1, Title III-7, Item 7, payments to reimburse counties for housing convicted felons shall not exceed \$39.00 per inmate per day. Provided, however, the \$39.00 per inmate per day limitation on reimbursement payments shall be inapplicable to the extent the state is obligated by the specific terms of a written contract to provide reimbursement at a rate in excess of \$39.00 per inmate per day, but only to the extent of that contractual obligation.

Item 17. The General Assembly recognizes that demands on available state revenue are such that it may be necessary to establish priorities among state services and programs and to revise the methods of allocating state resources. Therefore, it is the legislative intent that local governments should consider in undertaking long-term obligations based on state payments, specifically state per diem payments for housing state inmates in local jails, that existing payments may be reduced or eliminated in the future and such not be regarded as the principal source of funding for debt repayment obligations.

Item 18. From the appropriation to the Department of Correction, State Prosecutions, in Section 1, Title III-7, Item 7, payments for boarding jurors shall be made in accordance with Tennessee Code Annotated, Section 40-18-107.

Item 19. Within the amount appropriated in Section 1, Title III-17, and in Section 4, Title III-17, for Temporary Assistance to Needy Families, the Commissioner of Human Services shall establish by rule or regulation, pursuant to the provisions of Tennessee Code Annotated, Section 71-3-105, to be effective July 1, 2021, the standard of need for each family size in the Families First program; and, provided further, that the Commissioner of Human Services, in consultation with the Commissioner of Finance and Administration, may by rule to be effective on July 1, 2021, establish certain categories of Families First recipients to whom an additional grant differential may be paid.

Item 20. The appropriations to the Department of Revenue under Section 1, Title III-18, provide for all the activities of the department and include amounts in lieu of percentages allowed by law on collection

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of certain taxes and revenues; such percentage shall be covered into and made a part of the general fund. Appropriations also include amounts for motor vehicle registration and any other activities which may be administered by the Department of Revenue.

Item 21. No funds appropriated by the provisions of this act for any cultural, specialty earmarked, new specialty earmarked, and collegiate license plate shall be allocated by the Department of Finance and Administration to the Department of Revenue until such plate has met all statutory requirements for issuance, as provided in Tennessee Code Annotated, Title 55, Chapter 4.

SECTION 11. Department of Education. The appropriations made by this act under Sections 1 and 4 to the Department of Education shall be subject to the following provisions, limitations, or restrictions:

Item 1. The appropriation made in Section 1, Title III-9, Item 2.1c, for the Basic Education Program (BEP), shall be administered pursuant to the provisions of the Education Improvement Act (Chapter 535, Public Acts of 1992) and Tennessee Code Annotated, Section 49-3-307. The BEP formula shall be calculated for the fiscal year using the following criteria:

(a) The state shall provide seventy percent (70%) of the funds generated for the instructional components;

(b) The dollar value of the BEP instructional positions component shall be fifty thousand two hundred eighty-three dollars (\$50,283) as amended;

(c) The formula shall provide one hundred percent (100%) funding for at-risk students in grades K-12;

(d) The formula shall provide funding for English language learners at a ratio of one to twenty (1:20) and one to two hundred (1:200) for teachers to students and translators to students, respectively;

(e) Each local education agency (LEA) shall receive no less than a twenty-five percent (25%) state share in the non-classroom components;

(f) The dollar value of the BEP classroom technology component shall be forty million dollars (\$40,000,000);

(g) The cost differential factor shall be applied at a level of sixteen percent (16%); and

(h) Local fiscal capacity shall be calculated by applying a weight of fifty percent (50%) of the current multiple regression analysis model and fifty percent (50%) of the model based on local jurisdictions' ability to raise revenue for education from local option sales tax and property tax as provided in Chapter 369, Public Acts of 2007 and amended by Chapter 1020, Public Acts of 2016.

Item 2. From the appropriations made to the Department of Education under Section 1, Title III-9, of this act, the Department of Education is authorized to pay through disbursements to local education agencies (LEAs), the following amounts based on the Basic

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Education Program (BEP) formula, of participation in the basic accident and medical expense insurance plan, authorized by Tennessee Code Annotated, Title 8, Chapter 27, Part 3, by eligible employees of local education agencies:

(a) For the benefit of eligible local education instructional employees and their dependents, an amount not to exceed forty-five percent (45%) of the total statewide cost;

(b) For the benefit of eligible local education support staff employees and their dependents, an amount not to exceed thirty percent (30%) of the total statewide cost.

Furthermore, local education agencies are required to contribute a portion of the premium for participation in the basic accident and medical expense insurance plan at the following levels:

(1) Pursuant to Tennessee Code Annotated, Section 8-27-303(a)(1)(B), each local education agency shall pay on behalf of each instructional employee participating in the health insurance coverage authorized by Tennessee Code Annotated, Sections 8-27-302 and 303 a minimum of forty-five percent (45%) of the monthly premium for the coverage elected by the instructional employee.

(2) Pursuant to Tennessee Code Annotated, Section 8-27-303(a)(1)(D), each local education agency shall pay on behalf of each support staff employee participating in the health insurance coverage authorized by Tennessee Code Annotated, Sections 8-27-302 and 303 a minimum of ten percent (10%) of the monthly premium for the coverage elected by the support staff employee.

The Local Education Insurance Committee shall determine a calendar year 2022 plan of benefits, related services, and monthly premiums for each of the health care options offered through the "basic plan" it authorizes pursuant to Section 8-27-302, Tennessee Code Annotated, which results, with reasonable certainty, in the provision of sufficient revenues to pay plan expenses and to provide for the funding of reserves for estimated incurred but unreported claims. The aggregate amount of funds obligated through the determination of the plans of benefits and the monthly premiums by the Local Education Insurance Committee shall not exceed the amount appropriated to the Department of Education, Basic Education Program's insurance component in this act. The monthly premiums shall be subject to the approval of the Commissioner of Finance and Administration pursuant to Tennessee Code Annotated, Section 4-3-1006.

For purposes of these appropriations, "base premium" means the lowest premium offered by the Local Education Insurance Plan, without regard to any surcharges added to the premium for participation in the standard plan, a higher-cost network, or other premium adjustments that incent cost-savings to the plan.

The Local Education Insurance Committee shall recognize the annualized rate and benefits adjustments intended to be effective on

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January 1, 2022, which are required so that the plan of benefits, on an annualized basis, shall not exceed the recurring amount appropriated to the Department of Education.

Item 3. From the appropriation made to the Department of Education under Section 1, Title III-9, of this act, for technology programs, there is hereby earmarked a sum sufficient for the expenditures of the Web Project.

Item 4. From the appropriation made in Section 1, Title III-9, Item 2.1c, Basic Education Program, an amount of \$23,000,000 is appropriated for the purpose of providing additional BEP funding for student enrollment growth on a current-year student basis, and such funds shall be distributed pursuant to Tennessee Code Annotated, Section 49-3-351(d), to the extent available.

Item 5. Under the provisions of Tennessee Code Annotated, Section 49-3-357 and Section 49-3-358, pertaining to interest accruing on investments and deposits to the Education Trust Fund and the Basic Education Program, it is the legislative intent that only interest earnings be recognized and that no interest expense be charged to the fund and the program.

Item 6. The Department of Education shall submit to the Office of Legislative Budget Analysis the revised BEP funding formula for the ensuing fiscal year no later than February 1 of each year.

Item 7. Local education agencies are required to report average daily membership (ADM) to the Department of Education on a scheduled basis. To the extent a local education agency fails to report accurate and timely ADM information to the department, the BEP payments for the subsequent fiscal year shall be based on the second prior year ADM figure, unless the late-reported ADM figures are lower than the second prior year.

Item 8. In the year ending June 30, 2021, from funds appropriated in Chapter 919, Public Acts of 2014, Section I, Title III-9, Item 2.1c, Basic Education Program (BEP), any funds withheld pursuant to Tennessee Code Annotated, Section 49-3-353, hereby are authorized to be distributed by the Commissioner of Education to local education agencies (LEAs) in amounts that represent each LEA's share of the BEP relative to statewide BEP funding. Such distribution shall exclude any LEA in violation of Section 49-3-353. Such funds as may be distributed as provided in this item hereby are appropriated for such purpose. The provisions of this item shall be effective immediately, the public welfare requiring it.

Item 9. From the appropriation made in Section 1, Title III-9, Item 2.1c, Basic Education Program, an amount of \$14,500,000 is appropriated for the purpose of addressing teacher compensation disparity, and such funds shall be distributed pursuant to Tennessee Code Annotated, Section 49-1-302, to the extent available.

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Item 10. From the appropriation made in Section 1, Title III-9, Item 2.1c, Basic Education Program, an amount of \$1,840,000 is hereby appropriated for the purpose of making distributions to local education agencies impacted by the approval of a tourism development zone, defined in Tennessee Code Annotated, Section 7-88-103, and the subsequent utilization of any portion of the local option sales tax revenues designated for schools pursuant to Tennessee Code Annotated, Section 67-6-712(a)(1). Such funds shall be distributed only in cases where the tourism development zone was approved prior to the enactment of Chapter 889, Public Acts of 2014, and where the local legislative body with the authority to approve the local education agency budget did not also approve the tourism development zone.

SECTION 12. Certain Legislation – Appropriations and Provisions for Funding.

Item 1. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forgo revenue which has not been collected previously.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the fiscal note indicates that the cost of implementation of the bill as enacted is not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly.

Item 3. In addition to any other funds appropriated by the provisions of this act, if the fiscal note on any bill states that state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill, then there is appropriated a sum sufficient from such increased revenue to the appropriate entity, as determined by the Commissioner of Finance and Administration, to implement such bill.

Item 4. The provisions of this item take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there hereby is appropriated a sum sufficient for implementation of any legislation cited or otherwise described by category in this act or in the Budget Document transmitted by the Governor that has an effective date prior to July 1 of the current calendar year, provided that such legislation is funded in the Budget Document as submitted by the Governor or in the final legislative balancing schedules summarizing enacted amendments incorporated into this act or other appropriations acts of this legislative session and that the fiscal impact of implementing the legislation, as indicated in the final cumulative fiscal note of the Fiscal Review Committee on enacted legislation, is less than or equal to the amounts indicated in the Budget Document or the amendment balancing schedules. The final legislative balancing schedules may incorporate in summary form the amounts included in

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the amendment(s) submitted by the Governor, to the extent adopted, as indicated on the balancing schedule accompanying the Governor's recommended amendment(s).

Item 5. From funds available to any department, commission, board, agency, or other entity of state government, there is earmarked a sum sufficient to fund any bill or resolution, that becomes law or is adopted, respectively, for which the Commissioner of Finance and Administration certifies in writing that the cost of implementation of the bill or resolution will be funded within existing appropriations of the entity, within the availability of revenues received by the entity, or within other existing budgetary resources. The certification shall include the source of obtaining the funds to provide for such appropriations. It is the legislative intent that such funding be earmarked for implementation of any such bills or resolutions in the fiscal years ending June 30, 2021 and June 30, 2022. This item takes effect upon becoming law, the public welfare requiring it.

Item 6. From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution that is not otherwise funded in this act and becomes a law designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to Tennessee Code Annotated, Section 54-1-133.

SECTION 13. Board of Claims, Property Insurance, and Risk Management.

Item 1. The Commissioner of Finance and Administration is authorized to reallocate appropriations for Board of Claims premiums and property insurance premiums among state agencies and programs, based on the actuarial study provided by the State Treasurer, and to adjust federal and other departmental revenues accordingly. There is further appropriated for this purpose sums sufficient from dedicated and earmarked revenues to provide for the allocation of appropriations to those agencies and programs funded by dedicated and earmarked revenues. The Commissioner of Finance and Administration also shall reduce appropriations from the general fund and from dedicated and earmarked revenues where necessary, to reflect the allocations of the actuarial study.

Item 2. From the appropriation made in Section 4, Title III-1, Item 7.3, Risk Management Fund, funds may be expended for purposes outlined in Tennessee Code Annotated, Section 9-8-109(d), including, but not limited to, contracting with a third party for claims management services.

SECTION 14. Provisions, Limitations, and Restrictions on Obligation and Expenditure of Appropriations.

Item 1. The appropriations made by this act and all other appropriations, including appropriations of departmental revenues as set forth in Section 4 of this act, shall be obligated and expended under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part

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10, and Title 9, Chapter 4, Part 51, which shall remain in full force and effect; and in case of conflict with any other law, the provisions of such laws shall prevail. All appropriations, except those made by acts authorizing bond issues and expenditures thereof, though made by other statutes, shall likewise be obligated and expended under the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10, and Title 9, Chapter 4, Part 51. Pursuant to Tennessee Code Annotated, Section 9-4-5113(b), obligation and expenditure of appropriations made to the following agencies are exempt from the requirement that agencies first obtain certification of availability of funds by the Commissioner of Finance and Administration: the General Assembly, Court System, Attorney General and Reporter, District Attorneys General, Public Defenders, Office of the Post-Conviction Defender, Secretary of State, Comptroller of the Treasury, and the State Treasurer.

Item 2. Contracts, agreements, and obligations involving the expenditure of money by the General Assembly, Court System, Attorney General and Reporter, District Attorneys General, District Public Defenders, Office of the Post-Conviction Defender, Secretary of State, Comptroller of the Treasury, and the State Treasurer shall be made under the provisions of Tennessee Code Annotated, Section 9-4-5113(b).

Item 3. The Department of Finance and Administration may examine and approve or refuse to approve requisitions for purchases made from the appropriations in this and other acts, in accordance with Tennessee Code Annotated, Section 4-3-1006(8). Pursuant to such law, requisitions from the following are excluded from this examination: the General Assembly, Court System, Attorney General and Reporter, Secretary of State, Comptroller of the Treasury, and the State Treasurer.

SECTION 15. Provisions, Limitations, and Restrictions on Appropriations.

Item 1. No part of the funds appropriated to any department, office, instrumentality, or agency of the state government shall be expended in any other such entity, but if the head of any department, office, commission or instrumentality of the state government finds that there is a surplus in any classification, division, or unit under such entity, and a deficiency in any other division, unit or classification, then in that event the head of such department, office, commission or instrumentality of the state government may transfer such portion of such funds as may be necessary for the one division, unit or classification where the surplus exists to the other, except as otherwise provided herein, provided such transfer is approved by the Commissioner of Finance and Administration. Such transfer of funds pursuant to this item shall be subject to the approval of a majority of a committee comprised of the Speaker of the Senate, the Speaker of the House and the Comptroller of the Treasury.

Item 2. The Commissioner of Finance and Administration may establish in any department, office, commission or instrumentality of

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the state government a clearing account through which all salaries and wages, including the state's portion of retirement, insurance, Social Security, etc., may be disbursed. In the event such accounts are established, department records shall be maintained showing the distribution of such amounts among the various appropriation codes, and any financial reports shall present expenditures as if such expenditures had been made through the individual appropriation accounts.

Item 3. In case any division or function of government for which an appropriation is provided in this act or otherwise, shall be transferred from an existing department, to any other department, such transfer shall automatically result in the appropriation for such transferred division or function becoming available to the department to which such transfer is made for the purposes of such transferred division or function.

Item 4. From the appropriations made to the various state departments and agencies under this act, and other general acts appropriating money, there may be paid any expenses incurred by said departments and agencies for the purpose of conducting and serving as host for regional or national conferences of which such departments or agencies may be members. Before any funds shall be expended under this authorization, the amount and purpose of the proposed expenditure shall be approved by the Commissioner of Finance and Administration.

Item 5. No department or agency in the executive branch of state government shall make organizational changes within such department or agency except with the prior approval of the Commissioner of Finance and Administration pursuant to Tennessee Code Annotated, Section 4-4-101(b). Where an organizational change requires a transfer of funds between organizational accounts and would constitute a change in the purpose of the appropriation, the Commissioner of Finance and Administration shall not approve the organizational change until the transfer of funds has been approved by the committee established by Section 4-4-101(b).

Item 6. The Commissioner of Finance and Administration is authorized to draw down disputed federal funds and to reserve the funds to prevent their expenditure until the dispute is settled; and the Commissioner of Finance and Administration in consultation with the State Treasurer is authorized to allocate interest earnings on the draw-down of disputed federal funds and to pay interest earnings to the federal government in those instances when expenditures are ultimately disallowed.

Item 7. From the appropriation made in Section 4, Title III-2, Item 4.4, to General Services, Real Estate Asset Management, the Commissioner of Finance and Administration is authorized to establish new positions for property management for new buildings the state maintains.

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Item 8. Financial Systems Billings. From the funds appropriated in this act, the Commissioner of Finance and Administration is authorized to approve adjustments in rates charged by the Department of Finance and Administration for enterprise resource planning (ERP, or Edison) and the Division of Accounts, the Department of Human Resources, and the Department of General Services; to reserve any funds needed to rebate savings to the federal government; and to reallocate state appropriations between departments and reduce appropriations, and adjust federal aid and other departmental revenue accordingly.

Item 9. From the appropriations made for accounting functions and other fiscal activities in this act and other acts of the legislature, the Commissioner of Finance and Administration is authorized to establish and charge the costs of accounting positions and other fiscal positions to said appropriations. The Commissioner of Finance and Administration is further authorized to transfer between departments and agencies existing accounting positions, other fiscal positions and the funding provided in this act for transferred positions.

Item 10. From the appropriations made in Section 1, Titles III-2 through III-30 and in Section 4, Titles III-2 through III-28, to the Executive Branch departments and agencies, the Commissioner of Finance and Administration is authorized to transfer amounts budgeted for contract services to payroll and to increase the number of authorized positions to replace contractors with state employees.

Item 11. The Commissioner of Finance and Administration is authorized to maintain an indirect cost recovery plan to recognize overhead costs associated with the operations of the Tennessee Public Utility Commission, Wildlife Resources Agency, Department of Financial Institutions, Housing Development Agency and the regulatory boards and commissions not under the administration of the Department of Commerce and Insurance or the Department of Health. The Commissioner is further authorized to charge the departments and agencies covered by the indirect cost recovery plan for their individual overhead costs.

Item 12. The state regulatory fee shall be assessed at the rate of five dollars (\$5.00) for one (1) year and ten dollars (\$10.00) for two (2) years. The fee shall be in lieu of any allocation of indirect costs which would otherwise be allocated to the regulatory boards covered by the provisions of Tennessee Code Annotated, Section 9-4-5117.

Item 13. If any appropriation in this act fails to designate a department or agency of state government to be responsible for the administration of the appropriation, then the Commissioner of Finance and Administration is hereby directed to designate the state department or agency to administer the appropriation.

Unless otherwise directed by language in this act, appropriation grants to agencies outside of state government shall be administered in such manner as the Commissioner of Finance and Administration shall determine. Direct appropriation grants for the benefit of agencies

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outside of state government may be administered by the Department of Finance and Administration.

Item 14. The Commissioner of Finance and Administration is hereby authorized to adjust departmental revenue and reserve estimates and related expenditures: (a) for internal service funds and enterprise funds to record fees received for services provided to departments, agencies, boards, and commissions, and (b) to record payment for services provided to state agencies by another state agency.

Item 15. The Commissioner of Finance and Administration is hereby authorized to adjust departmental revenue and related expenditures to recognize (a) the carry-over of federal funds and other departmental revenues that were budgeted and allotted but unexpended or unobligated at June 30; (b) an increase in the federal rate of reimbursement or match in federal programs so that there is less state expense or the additional federal funds are available to meet increasing costs without improving programs; and (c) an unexpected increase in federal grant funds so that there is less state expense or the additional federal funds are available to meet increasing costs without improving programs.

Item 16. The Commissioner of Finance and Administration is hereby authorized to adjust the estimates of federal block grant funds and other federal grant-in-aid funds estimated in Section 4 and Section 31 of this act to reflect the actual allocations of federal revenues made available to the State of Tennessee by the federal government.

Item 17. The Commissioner of Finance and Administration is authorized to transfer procurement positions from departments and agencies funded by this act to the central procurement office attached to the Department of General Services, upon the request of the chief procurement officer, and to adjust departmental revenue estimates and authorized positions accordingly. The plan for centralization of such procurement functions is subject to approval of the Commissioner of Finance and Administration.

Item 18. From the appropriations made for human resources functions and other personnel activities in this act and other acts of the legislature, the Commissioner of Finance and Administration is authorized to establish and charge the costs of human resources positions and other personnel positions to said appropriations. The Commissioner of Finance and Administration is further authorized to transfer between departments and agencies existing human resources positions, other personnel positions and the funding provided in this act for transferred positions.

SECTION 16. Payments to Consolidated Retirement System.

Item 1. Each department, division or agency for the benefit of which an appropriation is made herein and which participates in the Consolidated Retirement System, shall pay from such appropriation monthly such sums as may be due such Consolidated Retirement

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System as the state's contribution from such department, division or agency.

Item 2. From the funds appropriated in this act for the purpose of funding the state's liability for employee participation in the state retirement system, the Commissioner of Finance and Administration is authorized to adjust departmental allotments to reflect active participation in the various programs of the retirement system, to reallocate appropriations between departments and reduce appropriations, and to adjust federal aid and other departmental revenue accordingly.

SECTION 17. Group Health Insurance and Life Insurance Program for State Employees.

Item 1. From the appropriations made herein, the various departments, agencies, boards and commissions of state government shall pay on behalf of each participating covered individual within the respective departments, agencies, boards and commissions, not less than eighty percent (80%) of the cost of the coverage option for employees and employees' dependents, determined by the state insurance committee to be the basic health plan for funding purposes in the basic group medical insurance program and one hundred percent (100%) of the cost of twenty thousand dollars (\$20,000) of basic term life insurance coverage and forty thousand dollars (\$40,000) of basic special accident insurance coverage for each participating covered individual; such basic medical, life and accident insurance program to be established pursuant to Tennessee Code Annotated, Title 8, Chapter 27, Part 2. In addition to this basic health plan for funding purposes, the state insurance committee may offer other plan options.

The employer contribution amounts established by the State Insurance Committee for eligible participating employees shall not exceed, in the aggregate, the amounts appropriated in this act. The State Insurance Committee shall determine a calendar year 2022 plan of benefits, related services, and monthly premiums for each of the health care options it authorizes pursuant to Tennessee Code Annotated, Section 8- 27-202, which result, with reasonable certainty, in the provision of sufficient revenues to pay plan expenses and to provide for the funding of reserves for estimated incurred but unreported claims. The monthly premiums and the employer contribution amounts shall be subject to the approval of the Commissioner of Finance and Administration pursuant to Tennessee Code Annotated, Section 4-3-1006.

The State Insurance Committee shall recognize the annualized rate and benefits adjustments intended to be effective on January 1, 2022, which are required so that the plan of benefits, on an annualized basis, shall not exceed the recurring revenues to pay plan expenses.

Item 2. From the appropriations made herein the Department of Military is hereby authorized to pay, on behalf of each participating national guardsman called up to state active duty, the cost of each

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individual's participation in the state-approved Group Life Insurance Plan for national guardsmen called up to state active duty. The provisions of Tennessee Code Annotated, Title 8, Chapter 27, Part 2, shall apply.

Item 3. The State Insurance Committee shall establish and maintain, within the appropriations made in this act for supplemental medical insurance for retired state employees and retired teachers and in accordance with Tennessee Code Annotated, Section 8-27-209, the respective contribution levels to be made by the state on behalf of the eligible participating retirees. The annualized contribution rate established by the Committee for the eligible participating employees shall not exceed the amount appropriated in this act, and the rate established is subject to approval by the Commissioner of Finance and Administration.

Item 4. It is the legislative intent that the State Insurance Committee establish a schedule of premium payments for retirees participating in the group insurance plan under the provisions of Tennessee Code Annotated, Section 8-27-205(b).

Item 5. The Commissioner of Finance and Administration is hereby authorized to establish positions and make appropriate adjustments to the Benefits Administration budget to reflect changes in the contractual arrangements for medical and other insurance coverage provided to state insurance plan participants. The establishment of additional positions and the allotment of additional departmental revenue are subject to approval by the State Insurance Committee.

Item 6 From the funds appropriated in this act for the purpose of funding the state's liability for employee participation in the state group health insurance program, the Commissioner of Finance and Administration is authorized to adjust allotments to the various departments, agencies, boards and commissions of state government and to the institutions of higher education in order to recognize non-recurring savings which may be generated by actions of the state insurance committee. The Commissioner is further authorized to adjust federal aid and other departmental revenues, to adjust appropriations to dedicated and earmarked sources, and to reallocate general fund appropriations.

SECTION 18. Appropriation of Tax Revenue Allocated by Statute. There are appropriated all tax revenues which are allocated by statute in accordance with the provisions of such statutes. The provisions of this section shall apply to all statutes becoming a law prior to July 1, 2022.

SECTION 19. Duplicate and Similar Appropriations. Whenever similar or duplicate appropriations are made in this act to those carried in any other act, such appropriation herein shall not be deemed as a supplemental appropriation, it being the legislative intent that there shall be no overlapping appropriations for equivalent amounts; but if this act simply supplements the appropriations made by the other act, then such supplemental appropriation

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shall be valid. The same shall apply to similar or duplicate appropriations made solely within this act.

SECTION 20. Proceeds of Surplus Real Property Sales. Whenever the State of Tennessee has any surplus lands or other surplus real properties which are sold or conveyed during the fiscal year ending June 30, 2022, the proceeds from the sale of such lands or other real property shall be subject to the provisions of Tennessee Code Annotated, Section 12-2-112, relative to disposal of interests in real property, and Title 11, Chapter 14, Part 3, relative to the natural resources trust fund, and other applicable law.

SECTION 21. Direct Appropriations to Non-Governmental Entities – Provisions. Notwithstanding any provision of this act to the contrary, a direct appropriation to a nongovernmental agency or entity shall not be disbursed until the recipient has filed with the head of the agency through which such disbursement is being made a plan specifying the proposed use of such funds and the benefits anticipated to be derived therefrom, and has agreed to file an interim status report to be delivered by February 1 of the use of such funds. As a prerequisite to the receipt of such direct appropriation, the recipient shall agree to provide to the agency head, within ninety (90) days of the close of the fiscal year within which such direct appropriation was received, an accounting of the actual expenditure of such funds, and benefits derived, including a notarized statement that the report is true and correct in all material respects; provided, however, that the head of the agency through which such disbursement is being made may require, in lieu of the accounting as provided above, an audited financial statement of the nongovernmental agency or entity. A copy of such accounting or audit, as the case may be, shall be filed with the Office of the Comptroller of the Treasury.

SECTION 22. Division of Insurance Revenues and Base Funding Level. From the appropriation made in Section 4 of this act, to the Department of Commerce and Insurance, Division of Insurance, it is the legislative intent to recognize a base level funding of \$7,479,700. It is further the legislative intent that expenditures in excess of the \$7,479,700 base level shall be funded from the increase in revenues generated by Chapter 333, Public Acts of 2001, which established funding appropriated to the Division of Insurance in the fiscal year ending June 30, 2001, as the base level.

SECTION 23. Budget and Positions Reconciliation, Allotment, and Reporting.

Item 1. Budget and Authorized Positions Reconciliation and Reporting; Allotments. It is hereby declared to be the legislative intent that the Commissioner of Finance and Administration revise the funding recommendations and personnel summaries contained in the Budget Document to conform with this act, other general acts of this Session and any other actions which affect the level of departmental or other such revenue. The commissioner is directed to make all necessary adjustments to revenues, appropriations, authorized positions, and totals to effectuate the provisions of this act as amended by the General Assembly. Said revised summaries shall be provided to the Office of Legislative Budget Analysis, Finance, Ways and Means

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Committees of the Senate and House of Representatives and to the Office of the Comptroller of the Treasury and Fiscal Review Committee. In establishing allotments from the appropriations herein made, the Commissioner of Finance and Administration may establish total spending authorizations in the amount of the specific appropriation from state revenues herein made, plus the federal and departmental revenues estimated to be available as presented in the revised funding summaries cited above.

In the event federal and departmental revenues for any particular program, appropriation code, or other classification are less than the amount estimated to be available under the allotments then and to that extent the spending authorizations are hereby reduced; to the extent that federal or departmental revenues in excess of the amounts allotted are realized, such excess shall not constitute increased spending authorizations, except under the conditions herein specified.

In establishing the allotments herein authorized, the Commissioner of Finance and Administration shall divide the total spending authorizations by allotment code, into two subdivisions, as follows: (1) Personal Services and Benefits and (2) Other Operating Expenses.

Item 2. Appropriation Adjustments Required for Proper Revenue Accounting. The Commissioner of Finance and Administration is authorized to establish state appropriations and reduce appropriations of departmental revenue made in Section 4 and other sections of this act to the extent required to reflect proper accounting of state revenues under generally accepted accounting principles. To the extent that state appropriations are established, departmental revenue estimates shall be reduced.

The Commissioner of Finance and Administration also is authorized to establish departmental revenue estimates and reduce state appropriations made in Section 1 and other sections of this act to the extent required to reflect proper accounting of departmental revenues under generally accepted accounting principles. To the extent that departmental revenue estimates are established, state appropriations shall be reduced.

In no instance shall the adjustments made under the provisions of this item result in a greater allotment of funds than is otherwise provided by this act.

Item 3. Program Expansion Reports (Federal and Other Departmental Revenue). No state revenues shall be expended by any state agency unless such revenues are appropriated by the General Assembly, as reflected in the provisions of this act and the revised summaries cited above. No state agency shall establish any new programs or expand any existing programs, beyond the scope of those already established, recognized and approved by the General Assembly, as reflected in this act and the revised summaries cited above, unless each such new or expanded program is funded entirely from unanticipated or excess departmental revenues or federal revenues.

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However, no such expenditure of unanticipated or excess departmental revenues or federal revenues shall occur until written notice of the program and the availability of unanticipated or excess departmental revenues or federal revenues is submitted by the Commissioner of Finance and Administration to the Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives and until said committee chairs have acknowledged in writing receipt of such written notice; provided, however, that capital outlay program projects, whether capital improvements or capital maintenance, shall be submitted to the State Building Commission to be acknowledged. When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis directors for information purposes. For the purposes of this paragraph, the term "departmental revenues" means earnings or charges for goods or services; or donations, contributions or participation by political subdivisions, foundations, corporations, firms or persons; and the term "state revenues" means the proceeds of taxes, licenses, fees, fines, forfeiture or other imposts laid specifically by state law.

An expansion report shall not be acknowledged by the Chairs of the Finance, Ways and Means committees during a time that the General Assembly is in regular, annual session until each Finance, Ways and Means Committee has held a hearing on the proposed program expansion, or the committees have held a joint hearing.

Item 4. Reporting on Certain Federal Grant Applications. Each state agency shall report to the Chairs of the Finance, Ways and Means committees of the Senate and the House of Representatives and to the Office of Legislative Budget Analysis when the agency applies for a new federal grant of more than \$100,000.

Item 5. Time-Limited Federal Criminal Justice Grant-Funded Positions. The Commissioner of Finance and Administration shall report to the Chairs of the Senate and House Finance, Ways and Means Committees on positions funded by federal criminal justice grants that are time-limited. The report shall include the number of positions and costs by federal program and by state agency and program, the period of the grant, the outlook for federal continuation of the grant beyond the expiration date, and any conditions of the grant indicating a state obligation upon expiration of the grant. A copy of the report also shall be provided to the Office of Legislative Budget Analysis directors and the Fiscal Review Committee executive director.

Item 6. Non-recurring Grants Notification. The Department of Finance and Administration, under guidelines it shall issue, shall direct state agencies to notify in writing by November 1 each entity (other than state agencies or individuals) receiving a grant under this act which is from a non-recurring appropriation that such funding has been identified in the Budget or appropriations act to expire at the end

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of the fiscal year, and that such entity is advised to seek alternative non-state funding for future fiscal years or to reduce its budget.

Item 7. Capital Outlay Projects Change Reporting. The Commissioner of Finance and Administration shall provide a written quarterly report to the directors of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

Item 8. Overlapped Positions Reports. The Commissioner of Human Resources shall submit a monthly report to the Office of Legislative Budget Analysis regarding positions that have been overlapped for ninety (90) days or more. In addition, the budget as introduced shall indicate the number of positions overlapped for ninety (90) days or more at a time no more than thirty (30) days before transmittal of the budget.

Item 9. On or before February 1, 2022, the Commissioner of General Services shall submit to the Office of Legislative Budget Analysis the Annual Facilities Revolving Fund Report.

SECTION 24. Certain Non-Executive Agencies – Approval of Work Program, Personnel Authorization, and Revisions, and Administration of Certain Appropriations.

Item 1. The work program and personnel authorization of the General Assembly, Court System, Attorney General and Reporter, Secretary of State, Comptroller of the Treasury, and the State Treasurer shall be approved in accordance with Tennessee Code Annotated, Section 9-4-5110(b).

Item 2. Revisions to the work program of the Secretary of State, Comptroller of the Treasury, and the State Treasurer shall be approved in accordance with Tennessee Code Annotated, Section 9-4-5112(b).

Item 3. Appropriations to the Secretary of State, Comptroller of the Treasury, and the State Treasurer shall be administered in a ministerial capacity by the Commissioner of Finance and Administration, pursuant to Tennessee Code Annotated, Section 9-4- 5113(c).

SECTION 25. Sovereign Immunity. All appropriations of state revenues and departmental revenues made in this act and in prior acts shall be protected by the state's sovereign immunity, as provided in Tennessee Code Annotated, Section 9-1-103(a).

SECTION 26. General Assembly Provisions. From the appropriation made for the General Assembly under Section 1, Title I, payment shall be made for, but not limited to, the following items:

Item 1. Any lawful expenses of the One Hundred Twelfth General Assembly, for which funds have not been obligated on June 30, 2021, such funds herein appropriated as are required may be made available during the fiscal year ending June 30, 2021.

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Item 2. The lawful expenses of the One Hundred Twelfth General Assembly.

Item 3. The cost of staffing, maintaining and operating the offices of the Speaker of the Senate and the Speaker of the House of Representatives, including necessary travel and other expenses incident to said offices, not covered by Section 1, Title I, Items 1.2 and 1.3, of this act.

Item 4. Such expenses as may be incurred for maintaining legislative facilities including the maintenance and staffing and such other expenses as may be necessary to provide offices and other services to members of the General Assembly and their staff in state facilities in Nashville.

Item 5. Expenses and travel pay to legislators for each day when attending conferences, workshops, and other official meetings, both within and without the State of Tennessee, when said travel is approved by the Speaker of the Senate and/or the Speaker of the House of Representatives. Payments shall be at the same rate provided for members of the standing committees of the General Assembly when meeting between sessions. Provided, further, that reimbursement may be made to legislators for registration fees incurred while attending conferences and meetings as may be approved by the Speaker of the Senate and/or the Speaker of the House of Representatives.

Item 6. Expenses and travel pay allowed to members of the Joint Legislative Services Committee at the same rates and in the same manner provided by Tennessee Code Annotated, Section 3-1-106, and to members of the Fiscal Review Committee, as authorized under Tennessee Code Annotated, Section 3-7-102.

Item 7. The Speakers may transfer to the Office of Legal Services for the General Assembly and to the Fiscal Review Committee sufficient funds to enable them to complete all studies assigned to them by the One Hundred Twelfth General Assembly, and to furnish such help as may be required by standing, select and joint committees of the General Assembly.

Item 8. Membership dues to the National Conference of State Legislatures, similar service organizations, and such other conferences as may be approved by the Speaker of the Senate and the Speaker of the House of Representatives.

Item 9. Any expenditures for legislative purposes called for by resolutions or joint resolutions properly adopted by either or both Houses of the General Assembly.

Item 10. Payment of expenses to any member, as provided by law, for attendance at any meeting of any standing, special, or select committee of the General Assembly, whether such meeting occurs during or between sessions of the General Assembly. Such expenses for meetings held between sessions shall be paid at the same rate

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as provided in the general law for meetings held while the General Assembly is in session.

Item 11. In addition to appropriations made under Section 1, Title I, there is hereby appropriated a sum sufficient to cover any increase automatically occurring under mandate of law in any compensation, benefits, or expenses funded under Section 1, Title I.

Item 12. From funds available to the General Assembly, there is earmarked a sum sufficient for the sole purpose of funding expenses of members of the General Assembly for meetings of study committees of the General Assembly on which they serve; provided, that such expense payment is subject to approval by the Speaker of the House of Representatives and the Speaker of the Senate in accordance with Tennessee Code Annotated, Section 3-1-106.

All items listed above, together with any other expenses for the General Assembly, upon the approval of the Speaker of the Senate and/or the Speaker of the House of Representatives, shall be paid through the Office of Legislative Administration, who shall also be authorized to make arrangements for, and incur obligations incident to, any convening of the One Hundred Twelfth General Assembly.

Provided, further, that during any period when the Offices of the Speaker of the Senate or the Speaker of the House of Representatives are vacant, or otherwise upon authority of the Speakers, the Director of the Office of Legislative Administration is hereby authorized to do any act which the Speaker might do under the provisions of this section.

The provisions of the section shall not be construed to countermand any general act passed by the One Hundred Twelfth General Assembly.

SECTION 27. General Assembly Provisions – Speakers. The Speaker of each House of the General Assembly shall be paid from funds appropriated to the General Assembly the following sums:

Seven hundred fifty dollars (\$750) for their ex-officio services during any session of the General Assembly; plus the sum of five thousand seven hundred dollars (\$5,700) annually for local office expenses in their county of residence which will be in addition to the cost of maintaining and operating offices in the State Capitol. In addition, each Speaker shall be allowed the same amount for expenses and travel pay as that provided for members of the standing committees of the General Assembly when meeting between sessions, for attending meetings of standing, select, or joint committees of the General Assembly or when absent from their county of residence on official duty as Speaker.

The allowance for ex-officio duties authorized by this section shall be paid at the request of each Speaker at any time after adjournment of a session. The amount authorized hereby for local office expenses shall be paid annually on or after November 1st of each year at the request of each Speaker. Requests for payments shall be addressed to the Director of the Office of Legislative Administration and need not be accompanied by a list of expenditures for which allowances

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the reimbursements are claimed. Payments for attending meetings between sessions or when absent from county of residence shall be paid from time to time on request of each Speaker.

SECTION 28. Internal Audit Coordination and Standards. In order to prevent duplication of effort and to establish professional standards, audits to be performed by internal audit staffs or grantees of departmental activities funded from appropriations made in this act shall be coordinated with the Office of the Comptroller of the Treasury, and such reports as may be issued shall be prepared in accordance with standards established as required by law by the Comptroller of the Treasury. No department, agency, institution, board, or commission shall cause internal auditing to be performed by persons who do not meet the job specifications for internal auditors established by the Commissioner of Human Resources and approved by the Commissioner of Finance and Administration and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304.

SECTION 29. Higher Education. The appropriations to public institutions of higher education set forth in Section 1 of this act shall be subject to the conditions and limitations set forth in this section, and shall not be subject to other provisions of this act except as otherwise expressly stated.

Item 1. Salaries to be paid from the appropriations made to educational institutions shall be fixed as follows:

The President and the staff of the University of Tennessee, by the Board of Trustees; the Presidents and staffs of the institutions within, and the Chancellor and staff of, the State University and Community College System of Tennessee, by the Board of Regents and the boards of the locally governed institutions; and the Presidents and staffs of the colleges of applied technology by the Board of Regents; all of which shall be within the appropriations provided and available for said purposes.

Item 2. Each higher education institution, including colleges of applied technology, shall report to the Commissioner of Finance and Administration, the Tennessee Higher Education Commission, and the Office of Legislative Budget Analysis, the actual amount of expenditures for maintenance and operation of the physical plant, exclusive of utilities, for the fiscal year, and any deviation in these expenditures from the amounts recommended in the funding formula for these purposes, prorated to reflect actual funding levels appropriated in this act.

Item 3. All institutional revenues of any kind collected by the institutions in the course of their operations are hereby appropriated, in addition to the specific appropriations made by this act, for use as deemed necessary or appropriate by the governing board of the institution and shall be subject to the conditions and limitations set forth in this Section 29, and shall not be subject to other provisions of this act except as otherwise expressly stated.

Item 4. It is the intent of the General Assembly that the fee charges among the public institutions of higher education of the state, be subject

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to the nature and scope of the institutions, and that the State Board of Regents, the boards of the locally governed institutions, and the Board of Trustees of the University of Tennessee shall adjust fee schedules for universities, community colleges, and colleges of applied technology within or lower than ranges set by the Higher Education Commission.

Item 5. The appropriations herein for higher education and appropriations of all higher education departmental and institutional revenue are subject to the provisions of Tennessee Code Annotated, Title 9, Chapter 4, and Section 4-3-1006(4) and (5). Within the general requirements of these provisions, the Commissioner of Finance and Administration, in consultation with the Comptroller of the Treasury and the Higher Education Commission, shall specify the content and procedures for submitting operating budgets and revisions thereto. The operating budgets shall be submitted to the Higher Education Commission by the respective governing boards. The Higher Education Commission shall then submit such operating budgets with their comments to the Department of Finance and Administration for approval. In addition, the appropriations in this act to institutions of higher education shall be subject to the requirements, restrictions and controls of the State Board of Claims and the State Building Commission in the same manner as other agencies of the state. The governing boards shall submit to the Office of Legislative Budget Analysis both the original and revised operating budgets proposed. The Tennessee Higher Education Commission shall submit to the Office of Legislative Budget Analysis the revised higher education funding formula for the ensuing fiscal year no later than December 1 of each year.

Item 6. From the appropriations made herein, institutions of higher education are hereby authorized to pay, on behalf of each participating employee, a percentage amount equal to the amount paid by other agencies of the state of the cost of each employee's participation in the state-approved Group Insurance Plan for state employees.

Item 7. All appropriations of state revenues and institutional and program revenues made in this act and in prior acts to institutions and programs of higher education shall be protected by the state's sovereign immunity, as provided in Tennessee Code Annotated, Section 9-1-103(b).

Item 8. From the appropriations made in this act and other appropriations acts, the budgetary units in higher education shall pay to the Tennessee Consolidated Retirement System the employer's share of retirement and shall pay to the Social Security Administration the Social Security costs including the additional benefit costs associated with pay, pay raises funded from fees, revenues, payroll savings or any other funding source.

Item 9. The appropriations in this act for Centers of Excellence and Campus Centers of Emphasis are subject to allocation by the Higher Education Commission and the Commissioner of Finance and Administration. In allocating the appropriation for Centers of

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Excellence, a consideration shall be planned reductions to existing expenditures to supplement funding for the centers.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Student Assistance Corporation all reserve balances now held by the Corporation for the Student Assistance Program authorized by Tennessee Code Annotated, Title 49, Chapter 4, Part 3. It being the legislative intent that these reserves may be used to cover any expenditures resulting from over-awards of assistance to students enrolled during the 2020-2021 academic year under the Student Assistance Program. The allotment of funds appropriated by this item shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 3, Part 10 and Title 9, Chapter 4, Part 51.

Item 11 In the Tennessee Student Assistance Awards Program any prior year appropriations recovered from prior recipients by June 30, 2021, shall not revert to the fund balance but shall be added to the reserve balances now held by the Student Assistance Corporation for the Student Assistance Program authorized by Tennessee Code Annotated, Title 49, Chapter 4, Part 3.

Item 12. Proceeds collected from prior recipients of the teacher loan/scholarship programs authorized by Tennessee Code Annotated, Title 49, Chapter 4, Part 2, shall not revert to the fund balance but shall be deferred and added to the funds appropriated in the succeeding year for expenditure as awards in the Teaching Scholars Program (Tennessee Code Annotated, Section 49-4-212).

Item 13. Proceeds collected from prior recipients of the Minority Teaching Fellows Program authorized by Tennessee Code Annotated, Title 49, Chapter 4, Part 7, shall not revert to the fund balance but shall be deferred and added to the funds appropriated in the succeeding year for expenditure as awards in the Minority Teaching Fellows Program (Tennessee Code Annotated, Section 49-4-706).

Item 14. There is hereby appropriated a sum sufficient to the Tennessee Student Assistance Corporation from accumulated interest earnings in the Academic Scholars Program (Tennessee Code Annotated, Section 49-4-203).

Item 15. From the appropriations in Section 1, Title III-10, Item 1.3, there is hereby appropriated a sum sufficient to fund scholarships for the Dependent Children program authorized pursuant to Tennessee Code Annotated, Section 49-4-704.

Item 16. In the fiscal year ending June 30, 2022, there is appropriated a sum sufficient to the Tennessee Student Assistance Corporation from revenues received pursuant to Tennessee Code Annotated, Section 49-4-702(c) for the loan-scholarship program for graduate students in professional nursing. Said funds shall not revert to the general fund, but shall be carried forward for future student awards.

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Item 17. There is hereby appropriated a sum sufficient to the Baccalaureate Education System Trust Board of Directors from fees and other charges for participation in the prepayment tuition program operated by the board under the provisions of Tennessee Code Annotated, Title 49, Chapter 7, Part 8.

Item 18. There is hereby appropriated a sum sufficient from the departmental revenues and reserves of the Tennessee Higher Education Commission for the PostSecondary Authorization Program.

Item 19. It is hereby declared to be the legislative intent that the Tennessee Higher Education Commission shall, as part of the budget recommendation to the Governor each year, provide estimates of likely increases in student fees at various levels of state appropriations varying from zero increase in state appropriations to full funding of the Commission's recommendations. It is further the intent of the General Assembly that the Commission include within its recommendations the total revenues expected to be available to each higher education institution for educational and general purposes (including state appropriations, student fees and any other available funds), compared to total educational and general revenues recommended for each institution under the Commission's formula at full funding.

Item 20. State appropriations to higher education institutions will be budgeted and expended in a manner that advances the priorities and goals of the approved higher education master plan.

Item 21. From the appropriation to UT Martin in Section 1, Title III-10, the following sums are for the purpose of supporting the operations of higher education centers: \$200,000 recurring at Parsons; \$250,000 recurring at Selmer; \$250,000 recurring at Somerville; and \$250,000 recurring at Ripley. It is the legislative intent that such funds shall not be distributed by means of the higher education formula.

Item 22.

(a) From funds previously appropriated for such purpose, it is the intent of the General Assembly that there is established the Jimmy Naifeh Center for Effective Leadership at the University of Tennessee to prepare elected and appointed officials for the challenges of serving the public; to provide leadership and management programming for government officials from across the state and the nation; and to provide studies and research in public service on any and all matters relating to the development of professional skills to enhance effectiveness as representatives of the people.

(b) It is the intent of the General Assembly that in addition to or as part of the services provided pursuant to subsection (a), the Center shall administer the Tennessee Government Executive Institute, the Tennessee Government Management Institute, and the Local Government Leadership Program as well as other such programs or initiatives that promote leadership development and public service.

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Item 23. From the appropriation to the University of Tennessee, Institute for Public Service, in Section 1, Title III-10, the sum of \$500,000 is earmarked for the Law Enforcement Innovation Center for the purpose of technology transfer, management best practices, and training for law enforcement agencies.

Item 24. In the fiscal year ending June 30, 2022, the Commissioner of Finance and Administration, upon recommendation of the Executive Director of TSAC, is authorized to make transfers from the TSAC operating fund of the Federal Family Education Loan Program (FFELP) referenced in U.S. Code Annotated, Title 20, Section 1072b, to the Tennessee Promise special reserve account for the purpose of funding Tennessee Promise scholarships, to the endowment fund of the Tennessee academic scholars program, referenced in Tennessee Code Annotated, Section 49-4-203(5), for transitioning the FFELP portfolio to a new loan servicer, and other agency operating and program expenditures permitted under Section 1072b and approved by the TSAC board of directors. Transfers from the operating fund may be made at any time that an excess in the operating fund justifies.

It is the legislative intent that the unexpended earnings of the Tennessee Promise endowment account and special reserve account shall not revert to the general fund at June 30, 2021 but be carried forward each June 30 and added to the funds appropriated in the succeeding fiscal year for expenditure as awards in the Tennessee Promise scholarship program.

Item 25. In the fiscal year ending June 30, 2022, the Commissioner of Finance and Administration is authorized to transfer, upon the joint recommendation of the Treasurer and Commissioner of Finance and Administration, from the Lottery for Education Account established in Tennessee Code Annotated, Section 4-51-111(b), an amount exceeding the required balance in the general shortfall reserve subaccount established in Tennessee Code Annotated, Section 4-51-111(b)(3) to the Tennessee Promise special reserve account for the purpose of funding the Tennessee Promise scholarships. Such transfer shall occur after all other required expenses for the lottery scholarship program are made.

It is the legislative intent that the unexpended earnings of the Tennessee Promise endowment account and special reserve account shall not revert to the general fund at June 30, 2021 but be carried forward each June 30 and added to the funds appropriated in the succeeding year for expenditure as awards in the Tennessee Promise scholarship program.

Item 26. There is hereby appropriated a sum sufficient to the Tennessee Higher Education Commission and Tennessee Student Assistance Corporation from existing (a) departmental revenues available to the commission or corporation granted from nonprofit entities, and (b) donations made to the commission or corporation. Any unexpended revenues shall not revert to the general fund balance at June 30 and such revenues shall be carried forward in a reserve at

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June 30 and are hereby reappropriated in the subsequent fiscal year. Any new grants or donations from such entities shall be subject to the provisions of Section 23, Item 3 of this act.

Item 27. From the appropriation made in Chapter 758, Public Acts of 2016, Section 1, Title III-10, Item 4.1a, an amount of \$28,742,600 was appropriated for a Community Colleges Shared Services Initiative. An amount up to, but not more than, one half of said appropriation shall be reimbursed by the Tennessee Board of Regents to the general fund according to the provisions of a memorandum of understanding between the Board of Regents and the department of Finance and Administration. Said reimbursement to the general fund shall not occur until two fiscal years after the Community Colleges Shared Services Initiative is fully operational; provided further, that said reimbursement shall occur over ten fiscal years.

Item 28. From the funds appropriated in Section 1, Title III-32, for capital outlay, the Commissioner of Finance and Administration is authorized, subject to approval of the Tennessee Board of Regents, the presidents of the locally governed institutions, and the Tennessee Higher Education Commission, to transfer appropriations from the locally governed institutions to the Tennessee Board of Regents.

Item 29. The capital outlay projects listed in the 2021-2022 Budget Document and which are identified with the heading "Proposed Capital Projects from School Bonds and Other Sources, Fiscal Year 2021-2022," are presented for informational purposes only. The projects are subject to recommendation and approval procedures involving the higher education institutions and their governing boards, the Tennessee Higher Education Commission, Finance and Administration, the Tennessee State School Bond Authority, the State Funding Board, and the State Building Commission. The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on page A140 in the 2021-2022 Budget Document:

SECTION 30. Salary Administration.

Item 1. Salaries provided under the appropriations made in Sections 1 and 4 of this act to the respective departments, institutions, offices and agencies shall be fixed as under the provisions of Tennessee Code Annotated, Title 8, Chapter 23.

Item 2. Within the appropriations made for the Office of the Attorney General and Reporter under this act, the salaries of the attorneys, legal and clerical staff and other employees shall be fixed by the Attorney General. The expenditures provided for herein shall not exceed the amount of the appropriation to the Office of the Attorney General and Reporter.

Item 3. The salaries of all employees of the Judicial Branch, except those whose salaries are set by law, shall be fixed by the Director of the Administrative Office of the Courts with the approval of the Chief Justice of the Supreme Court. The compensation of the judges,

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chancellors, and justices of the state's trial and appellate courts shall be set in accordance with Tennessee Code Annotated, Section 8-23-103.

Item 4. Within the appropriations herein made, the salaries of the subordinates and employees of the Treasurer, Comptroller, and Secretary of State shall be fixed by the heads thereof, respectively, and the salaries of the employees and subordinates of the Fiscal Review Committee and the Joint Legislative Services Committee shall be fixed in accordance with Tennessee Code Annotated, Title 3.

Item 5. All other salaries and wages in departments, institutions, offices, and agencies, other than the Legislative Branch and agencies enumerated in Items 2, 3, and 4 of this section and in Section 29, Item 1, shall be approved by the Commissioner of Human Resources, provided, however, that the establishment of salary ranges within such departments, institutions, offices and agencies shall be subject to the approval of the Commissioner of Finance and Administration. To the extent that additional funds are appropriated or are generated within a department or agency by abolishing vacant and funded positions, subject to review and approval of the Commissioner of Finance and Administration and the Commissioner of Human Resources, salary increases may be granted from such funds.

Item 6. Employee promotions shall be reported to the General Assembly under the provisions of Tennessee Code Annotated, Section 8-30-317.

Item 7. Salaries of state employees shall be paid in accordance with the directdeposit policy established in accordance with Tennessee Code Annotated, Section 8-23- 202(c).

SECTION 31. Federal Block Grant Programs. The provisions of this section take effect upon becoming a law, the public welfare requiring it. Under the provisions of Section 4 and Section 23 of this act, it is the legislative intent to appropriate the proceeds of federal block grant programs, as assumed by the State of Tennessee, in the following manner:

Item 1. Social Services block grant in the amount of \$35,566,300 to the Department of Human Services.

Item 2. Mental Health Services block grant in the amount of \$15,726,300 to the Department of Mental Health and Substance Abuse Services.

Item 3. Child Care Development Funds block grant in the amount of \$183,879,600 to the Department of Human Services.

Item 4. Maternal and Child Health block grant in the amount of \$2,621,700 to the Department of Health.

Item 5. Preventive Health block grant in the amount of \$950,000 to the Department of Health.

Item 6. Community Services block grant in the amount of \$14,996,900 to the Department of Human Services.

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Item 7. Low-Income Energy Assistance block grant in the amount of \$71,596,000 to the Tennessee Housing Development Agency.

Item 8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,730,000 to the Department of Mental Health and Substance Abuse Services.

Item 9. Temporary Assistance to Needy Families (TANF) block grant in the amount of \$222,142,500 to the Department of Human Services.

Item 10. Small Cities Community Development block grant in the amount of \$55,520,000 to the Department of Economic and Community Development. Said sum being the estimated allocation of funds for the fiscal years 2020-2021 and 2021-2022 combined.

Provided, however, that all expenditures of any community development block grant funds in addition to those appropriated and enumerated in this section shall be subject to the following limitations and restrictions:

The Housing and Community Development Act of 1981 made it possible for states to assume administration of the Small Cities Community Development Block Grant (CDBG) previously administered by the U.S. Department of Housing and Urban Development (HUD). In Tennessee, the CDBG Program shall be administered by the Department of Economic and Community Development (ECD).

There shall be appropriated by the General Assembly to ECD such funds as may be allocated to Tennessee by the federal government for the CDBG Program. The stateadministered CDBG Program shall be developed within the parameters of the CDBG legislation, applicable federal regulations, and consultation with citizens and elected officials in Tennessee.

The CDBG goals shall be three-fold: (1) target on areas of economic distress; (2) stimulate the growth of jobs and income in these areas; and (3) maximize the number of grantees. Additionally, all CDBG projects must meet one of the three national objectives of (1) principally benefiting persons of low and moderate income; (2) elimination or prevention of slums and blight; or (3) elimination of conditions detrimental to health, safety or public welfare. ECD shall be authorized to make grants and/or loans of CDBG monies to eligible city and county governments in Tennessee to achieve these goals. Loan payments and interest shall be reserved for reappropriation and shall not revert to the general fund balance at year end.

Eligible applicants shall be all city and county governments in Tennessee except those cities and counties designated by HUD as CDBG entitlement areas. Cities excluded from the state-administered CDBG Program include Memphis and Shelby County, Nashville (Davidson County), Chattanooga, Knoxville and Knox County, Clarksville, Bristol, Johnson City, Oak Ridge, Murfreesboro, Kingsport,

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Hendersonville, Morristown, Cleveland, Franklin, and Jackson. These cities and counties will receive their CDBG funds directly from HUD.

Based upon anticipated CDBG allocations of \$27,760,000 in fiscal year 2020-2021 and of \$27,760,000 in fiscal year 2021-2022, the following target funding levels

	2020-2021	2021-2022
Administrative Costs	\$ 932,000	\$ 932,000
Community Livability	4,700,000	4,700,000
Water/Sewer	20,000,000	20,000,000
Housing and Neighborhood Revitalization	1,000,000	1,000,000
Set-Aside	1,000,000	1,000,000
Miscellaneous	128,000	128,000

A fifty percent (50%) reduction in any category will be permitted to facilitate proper program management and allow administrative flexibility. The funds so reduced shall be allocated to other categories with priority given to water/sewer projects.

Selection criteria for project approvals shall be uniform within categories, objective and quantitative, and shall be based on project need, project feasibility, project impact, community need, the percent of project beneficiaries that have family incomes below the low and moderate income (LMI) levels, and, for community livability projects, essentialness.

Project application materials will be supplemented, as appropriate, by site visits and by informed opinions of state agencies knowledgeable about particular projects.

The level of CDBG assistance for individual projects shall be determined by the following factors: (1) a maximum grant of \$600,000 for individual projects (\$400,000 for community livability projects); and (2) the grantee's ability to pay. A ThreeStar bonus that increases the grant amount by 5% is added to grantees in certified ThreeStar counties. Higher grant levels (up to \$1,000,000) may be approved for regional projects.

If modifications in the expenditure plan for the CDBG Program are required, said modifications shall be accomplished in the following manner: (1) If the General Assembly is in session, such modifications shall be approved by the General Assembly; or (2) if the General Assembly is not in session, the Governor may either (a) submit such modifications to the State Funding Board for approval or (b) call a special session of the General Assembly for approval.

SECTION 32. FastTrack Infrastructure Development and Job Training Assistance. The provisions of this section are relative to appropriations made in Section 1 of this act and previous appropriations acts to the FastTrack Infrastructure and Job Training Assistance program.

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Item 1. The appropriation made in Section 1, Title III-8, Item 7, to the Department of Economic and Community Development for the FastTrack Infrastructure and Job Training Assistance program shall be expended pursuant to Tennessee Code Annotated, Section 4-3-716 and Section 4-3-717.

Item 2. There hereby are reappropriated sums sufficient from any amounts carried forward in the FastTrack fund at the end of each fiscal year pursuant to Tennessee Code Annotated, Section 4-3-716(d).

Item 3. The Commissioner of Finance and Administration is authorized to transfer sums sufficient from the appropriation for FastTrack Infrastructure and Job Training Assistance to Community and Rural Development, Business Development, and Innovation Programs for economic development projects, and the unexpended balances of the amounts transferred also may be transferred back to the FastTrack program.

Item 4. The Commissioner of Economic and Community Development is authorized to reallocate sums sufficient from the appropriations for FastTrack Infrastructure and Job Training Assistance and Tennessee Jobs Skills Program, subject to the approval of the Commissioner of Finance and Administration, and the unexpended balances of the amounts transferred also may be transferred back to the FastTrack program.

Item 5. The Commissioner of Finance and Administration is authorized to transfer from the general fund to the capital projects fund available appropriations made in this act and previous appropriations acts to the Department of Economic and Community Development for economic development projects, including amounts allotted to the FastTrack Infrastructure and Job Training Assistance program and Business Development program. A transfer may not be made if it would result in a deficiency in available funds for any FastTrack or Business Development project for which a contractual agreement has been made, unless such agreement has been amended to reduce the amount required to be expended in the amount to be transferred or unless appropriations are available otherwise.

Transfers also may be made from the capital projects fund to the two operating budget programs from available funds appropriated to the Department of Economic and Community Development for economic development capital outlay projects. Transfers are authorized only from available current funds in the capital projects fund and may not include any amounts from bond authorizations. Before transfers from the capital projects fund may occur, the Commissioner of Finance and Administration shall determine that the current funds are available, that any associated grant agreement for the capital outlay project has been amended to reduce the capital outlay grant in the amount to be transferred or that an agreement has not been made for the capital outlay grant, and that the State Building Commission has approved the capital outlay project current-funds reduction. Such transfers may not

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be made if they would result in a deficiency in available funds for any capital outlay project previously funded, except under the conditions of this item.

Transfers authorized in this item are subject to the approval of the Commissioner of Finance and Administration.

Item 6. At the close of each fiscal year, the Commissioner of Economic and Community Development shall report to the directors of the Office of Legislative Budget Analysis any transfers or reallocations made in Items 3 and 4 of this Section.

SECTION 33. On or before January 31 of each calendar year, the Boyd Center for Business and Economic Research of the University of Tennessee shall cause to be published a comprehensive report on the state's economy. Said report shall be based on projections from the Tennessee Econometric Model and such other information as the Center may deem appropriate. The report shall contain projections for ten years (beginning with the calendar year preceding the year in which the report is due) of the annual economic activity (level and percent change over prior year) for each of the state's major economic sectors; shall include ten-year projections of selected economic indicators, as specified by the State Funding Board; and shall also include a narrative description of the short-term and long-term prospects for economic and business activity in the state based on these indicators. Quarterly projections shall also be published if available.

Said report shall be distributed to the Governor and the other members of the State Funding Board. The State Funding Board shall report to the General Assembly as provided in Tennessee Code Annotated, Section 9-4-5202.

SECTION 34. Authorization to Transfer Appropriations in 2020-2021. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in Chapters 651 and 760, Public Acts of 2020, the Commissioner of Finance and Administration is authorized to make transfers from the appropriations made:

Item 1. To the Attorney General and Reporter in Section 1, Title III-1, Item 1.

Item 2. To the District Attorneys General in Section 1, Title III-1, Item 2.

Item 3. To the Public Defenders Conference in Section 1, Title III-1, Item 4, but excluding the appropriations to Shelby County Public Defender and Davidson County Public Defender.

Item 4. To the Department of Finance and Administration in Section 1, Title III-2, Item 3, and to adjust federal aid and other departmental revenue accordingly.

Item 5. To the Department of Veterans Services in Section 1, Title III-2, Item 5, and to adjust federal aid and departmental revenue accordingly.

Item 6. To the Department of Agriculture in Section 1, Title III-3, and to adjust federal aid and other departmental revenue accordingly.

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Item 7. To the Department of Tourist Development in Section 1, Title III-4, and to adjust federal aid and other departmental revenue accordingly.

Item 8. To the Department of Economic and Community Development in Section 1, Title III-8.

Item 9. To the Department of Education in Section 1, Title III-9, and to adjust federal aid and other departmental revenue accordingly.

Item 10. To the Department of Commerce and Insurance in Section 1, Title III-11, and to adjust federal aid and other departmental revenue accordingly.

Item 11. To the Department of Safety in Section 1, Title III-20, and to adjust federal aid and other departmental revenue accordingly.

Item 12. From the unexpended balance of the Miscellaneous Appropriations in Section 1, Title III-22, a sum sufficient is authorized to be transferred for reimbursement of the Tennessee Consolidated Retirement System, if the appropriation in Item 2.1 of the cited title is insufficient for payment of pensions of former governors and widows of former governors.

Item 13. From the unexpended balance of the Miscellaneous Appropriations in Section 1, Title III-22, a sum sufficient is authorized to be transferred for payment of dues to the National Governor's Association, National Conference of State Legislatures, Council of State Governments, Southern Governors Association, National Association of State Budget Officers, and National Conference of Insurance Legislators, if the appropriation in item 8.1 of the cited title is insufficient for payment of intergovernmental conference dues to the organizations cited in this item.

SECTION 35. Authorization to Transfer Appropriations in 2021-2022. The Commissioner of Finance and Administration is authorized to make the following transfers from the appropriations made in this act:

Item 1. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Board of Law Examiners, Board of Professional Responsibility, Tennessee Lawyers Assistance Program, Continuing Legal Education, and Client Protection Fund. Transfer of appropriations to or between Guardian Ad Litem, Indigent Defendants' Counsel, Civil Legal Representation, Court Interpreter Services, and Verbatim Transcripts are sanctioned, but transfers from these programs to other programs are excluded.

Item 2. To the Department of General Services, Division of Motor Vehicle Management Internal Service Fund, from the funds appropriated to state agencies and programs by this act, a sum sufficient for the acquisition of motor vehicles.

Item 3. From the funds appropriated in Section 1, Title III-3, to the Department of Agriculture for the agricultural enhancement program.

Item 4. In Section 1, Title III-3, Title III-4, and Title III-8, a reallocation of appropriations between the Departments of

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Agriculture, Tourist Development, and Economic and Community Development is authorized to implement the recommendations of the governor's rural development task force. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item 5. To the Department of Environment and Conservation in Section 1, Title III-5, to recognize administrative reorganizations and to adjust authorized positions, federal aid, and other departmental revenue accordingly.

Item 6. To the Department of Correction in Section 1, Title III-7, and to adjust the number of authorized positions within the department's authorized level.

Item 7. To the Department of Economic and Community Development, in Section 1, Title III-8, from Community and Rural Development and Policy and Federal Programs to Economic Development District Grants to comply with the requirements of Chapter 521, Public Acts of 2007.

Item 8. To the Department of Economic and Community Development in Section 1, Title III-8, to recognize administrative reorganizations. The Commissioner of Finance and Administration is authorized to adjust authorized positions, federal aid, and other departmental revenue accordingly.

Item 9. In Section 1 for Tennessee Early Intervention Services, a reallocation of funds between the Department of Education and the Department of Intellectual and Developmental Disabilities Services is authorized. The Commissioner of Finance and Administration is further authorized to adjust departmental revenues as may be required.

Item 10. To the Department of Education in Section 1, Title III-9, to recognize administrative reorganizations and to adjust the authorized positions, federal aid, and other departmental revenue accordingly. To implement the Achievement School District program, the Commissioner of Finance and Administration is further authorized to increase authorized positions in the Department of Education and to adjust federal aid and other departmental revenue accordingly.

Item 11. In Section 1 for Non-Public Education Choice Programs, a reallocation of funds between the Department of Education and Miscellaneous Appropriations is authorized. The Commissioner of Finance and Administration is further authorized to adjust departmental revenues as may be required.

Item 12. To the administration and support services programs in Section 1, Title III-10, Item 1, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation, to implement administrative reorganizations upon recommendation of the Executive Director of the Tennessee Higher Education Commission.

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Item 13. In Section 1 for Financial Literacy, a reallocation of funds between the Department of Financial Institutions and the Tennessee Financial Literacy Commission is authorized, pursuant to Tennessee Code Annotated, Section 45-12-126. The Commissioner of Finance and Administration is further authorized to adjust departmental revenues as may be required.

Item 14. To the Department of Labor and Workforce Development in Section 1, Title III-13, and to adjust federal aid and other departmental revenue accordingly.

Item 15. To the Department of Mental Health and Substance Abuse Services in Section 1, Title III-14, and to adjust federal aid and other departmental revenue accordingly.

Item 16. To the Department of Military, but excluding Disaster Relief Grants, in Section 1, Title III-15, and to adjust federal aid and other departmental revenue accordingly.

Item 17. To the Department of Health in Section 1, Title III-16, and to adjust federal aid and other departmental revenue accordingly.

Item 18. In Section 1 for Targeted Case Management Services, a reallocation of funds between the Department of Intellectual and Developmental Disabilities Services and the Department of Children's Services is authorized. The Commissioner of Finance and Administration is further authorized to adjust departmental revenues as may be required.

Item 19. To the Department of Human Services in Section 1, Title III-17, and to adjust federal aid and other departmental revenue accordingly.

Item 20. To the Department of Revenue in Section 1, Title III-18, and to adjust departmental revenue accordingly.

Item 21. To the Department of Finance and Administration, Strategic Health-Care Programs, in Section 1, Title III-21, and to adjust federal aid and other departmental revenues accordingly.

Item 22. The appropriations made in Section 1, Title III-22, Miscellaneous Appropriations, are authorized to be allocated and transferred to the appropriate organizational units and programs of state government by the Commissioner of Finance and Administration. For each appropriation so allocated and transferred, there is further appropriated sums sufficient from dedicated and earmarked revenues to provide for the comparable allocation of appropriations to those agencies and programs funded by dedicated and earmarked revenues. The appropriation for the Homeland Security Emergency Fund is subject to approval by the Director of Homeland Security.

In addition to the appropriations made in Section 4 of this act, there is hereby appropriated to the organizational units and programs of state government all federal aid funds and departmental revenue earnings associated with the allocation and transfer of Miscellaneous Appropriations authorized under the preceding paragraph in this item.

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Item 23. To the Department of Children's Services in Section 1, Title III-23, and to adjust federal aid and other departmental revenue accordingly.

Item 24. To the Department of Intellectual and Developmental Disabilities in Section 1, Title III-25, and to adjust federal aid and other departmental revenue accordingly.

Item 25. To the Department of Finance and Administration, TennCare program, in Section 1, Title III-26, and to adjust federal aid and other departmental revenue accordingly.

Item 26. To the Department of Transportation in Section 1, Title III-30, to provide additional funds for resurfacing as determined by the Commissioner of Transportation.

Item 27. To the Department of Transportation in Section 1, Title III-30, to recognize administrative reorganizations and to adjust authorized positions, federal aid, and other departmental revenue accordingly.

Item 28. To the Department of Transportation in Section 1, Title III-30, to reorganize programs for better accounting and personnel management practices made possible by the enterprise resource planning system and to adjust authorized positions, federal aid, and other departmental revenue accordingly.

SECTION 36. Carry-forward and Appropriation of Certain Unexpended Balances. The provisions of this section take effect upon becoming a law, the public welfare requiring it. Subject to the availability of funding at June 30, 2021, any unexpended balances of appropriations made under Chapters 651 and 760, Public Acts of 2020, other acts of this General Assembly or acts by previous General Assemblies, listed in this section are hereby reappropriated to be expended in the 2021-2022 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2021. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration. Unless otherwise noted, the unexpended balances reappropriated are authorized under Chapters 651 and 760, Public Acts of 2020, and they are the appropriations made:

Item 1. For data processing services, systems development, data processing equipment purchases and leases and telecommunication systems purchases and leases. The Commissioner of Finance and Administration is authorized to transfer from the amounts carried forward sums sufficient for the Computer Equipment Replacement Fund and to the Systems Development Fund.

Item 2. Settlement and Judgment Awards and Similar Awards. From the appropriations in this act and previous appropriations acts, from funds received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards, the unexpended balance of such funds shall be reserved and carried forward until expended for the intended purposes; and such funds as are carried forward hereby are appropriated for the intended

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purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item 3. All funds appropriated to the Legislative Branch which remain unobligated and unexpended at the end of any fiscal year shall not revert to the general fund but shall be carried forward in a reserve to be expended in accordance with the approval of the Speaker of the House of Representatives and the Speaker of the Senate. This item shall not be subject to the approval of the Commissioner of Finance and Administration.

Item 4. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Guardian Ad Litem, Indigent Defendants' Counsel, Civil Legal Representation, Court Interpreter Services, Verbatim Transcripts, Council of Juvenile and Family Court Judges, Board of Law Examiners, Board of Professional Responsibility, Tennessee Lawyers Assistance Program, Continuing Legal Education, and Client Protection Fund. The reappropriated funds shall be expended for the integrated computer system for the Tennessee Court System under the provisions of Tennessee Code Annotated, Section 16-3-807. This item shall not be subject to the approval of the Commissioner of Finance and Administration.

Item 5. To the Judicial Branch, Administrative Office of the Courts, in Section 1, Title II, Item 14, to defray expenses of serving the General Sessions Courts and the General Sessions Judges' Conference pursuant to Tennessee Code Annotated, Section 16-15-5007 and Section 67-4-606(a)(9).

Item 6. To the Administrative Office of the Courts from the unexpended balance of revenue from the gift received to benefit the Hillman Taylor Library in Memphis.

Item 7. To the Judicial Branch, Board of Law Examiners in Section 1, Title II, Item 16. The carry-forward amount shall be the difference between expenditures and revenues, including any reserve balance.

Item 8. To the Judicial Branch, Council of Juvenile and Family Court Judges in Section 36, Item 8, and in Section 65, Item 6, of Chapter 554, Public Acts of 2009, the non-recurring appropriation to provide for juvenile mental health evaluations.

Item 9. To the Judicial Branch, Appellate and Trial Courts, in Section 36, Item 9, the unexpended balance of the \$4,000,000 appropriation for courtroom security.

Item 10. To the Attorney General and Reporter, in Section 1, Title III-1, Item 1.3, and in Section 38, Item 6.1, of this act for Special Litigation and ongoing litigation and settlements.

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Item 11. To the District Attorneys General from revenues earned from the Department of Human Services for food stamp fraud prosecution activities, the unexpended balance of such funds, not to exceed \$100,000.

Item 12. To the Secretary of State for publication of the Blue Book pursuant to Section 1, Title III-1, Item 3.3 and Section 36, Item 13.

Item 13. To the Secretary of State, Charitable Solicitations and Charitable Gaming, in Section 36, Item 14, and in Section 4, Title III-1, Item 3.6. The unexpended balances of departmental revenue are hereby reappropriated to fund a charitable solicitations systems development project.

Item 14. To the Secretary of State, State Library and Archives, the unexpended balances of multi-year library construction grants.

Item 15. To the Comptroller of the Treasury, Division of Property Assessments, in Section 4, Title III-1, Item 5.6, and Section 36, Item 16, the unexpended revenue derived from the annual assessor's training session.

Item 16. To the Comptroller of the Treasury, Property Tax Relief, in Section 1, Title III-1, Item 5.8, for property tax relief.

Item 17. To the Comptroller of the Treasury, the unexpended balance of the nonrecurring appropriation in Section 36, Item 18 for the Certified County Financial Officers training program.

Item 18. To the Comptroller of the Treasury, in Section 38, Item 1.1, of this act, for hosting the AGA National Conference.

Item 19. To the Treasury Department for college savings incentive initiatives and a college savings plan in Section 36, Item 19, and Chapter 651, Public Acts of 2020, Section 1, Title III-1, Item 7.3.

Item 20. To the Treasury Department for the TN Achieving a Better Life Experience (ABLE TN) savings plan for disabled individuals, in Section 36, Item 20.

Item 21. To the Alcoholic Beverage Commission from the unexpended balance of departmental revenues of the Alcohol Server Responsibility and Training Program authorized by Tennessee Code Annotated, Title 57, Chapter 3, Part 7.

Item 22. To the Human Rights Commission, an amount not to exceed \$200,000.

Item 23. To the Department of Finance and Administration, Strategic Health-Care Programs, in Section 36, Item 23, and in Section 1, Title III-2, Item 3.10 of Chapter 1108, Public Acts of 2010, for Health Information Technology, in an amount not to exceed \$2,000,000, to provide non-recurring funds to advance the appropriate use of health information technology and to improve quality of care. The Commissioner of Finance and Administration is authorized to transfer sums sufficient to the information systems fund and to other appropriate organizational units of state government. The appropriation was

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transferred to Cover Tennessee Health Care Programs, Health Care Planning and Innovation effective July 1, 2011.

Item 24. To the Department of Finance and Administration in Section 36, Item 24, and in Section 1, Title III-22, Miscellaneous Appropriations, Item 33.4, of Chapter 603, Public Acts of 2007, for the use of Nashville MTA bus services for state employees, in an amount not to exceed \$200,000.

Item. 25. To the Department of Finance and Administration in Section 38, Item 3.1 of this act, for the Pre-Trial Symposium.

Item 26. To the Department of General Services any unexpended real estate fees collected by the Real Estate Asset Management Division and the unexpended balance of appropriation in Chapter 453, Public Acts of 2013, Section 38, Item 5.1, and carried forward pursuant to Chapter 919, Public Acts of 2014, Section 36, Item 22.

Item 27. To the Department of General Services, Real Estate Asset Management Division, the proceeds from the sale of surplus personal property assigned to the division.

Item 28. To the Department of General Services, in Section 4, any unexpended revenues received for conducting conferences for the Governor's Office of Diversity and Business Enterprise shall not revert to the general fund.

Item 29. To the Department of General Services, in Section 36, Item 28, for statewide capital facilities pre-planning.

Item 30. To the Department of Veterans Services in Section 36, Item 29, and Section 1, Title III-2, Item 5.2, and Section 4, Title III-2, Item 5.1 for operational expenses, excluding payroll, related to cemetery construction and maintenance.

Item 31. To the Department of Agriculture the unexpended balance of revenues from timber and carbon credit sales at state forests and state parks.

Item 32. To the Department of Agriculture the unexpended balance of revenues from timber sales at federal forests.

Item 33. To the Department of Agriculture for the agricultural enhancement program in Section 36, Item 31, and in Section 1, Title III-3, Items 1, 2, 3, and 5.

Item 34. To the Department of Agriculture the unexpended balance of funds from the Agriculture Enterprise Fund for agribusiness grants.

Item 35. To the Department of Agriculture the unexpended balance of the nonrecurring appropriation in Section 41, Item 3 of Chapter 651, Public Acts of 2020, for biofuels projects.

Item 36. To the Department of Agriculture in Section 56, Item 1-1, for chronic wasting disease.

Item 37. To the Department of Tourist Development the unexpended balance of funds from the Tourism Marketing Task Force.

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Item 38. To the Department of Tourist Development the unexpended balance of funds from the Rural Development Fund for tourism enhancement grants.

Item 39. To the Department of Environment and Conservation, Water Resources, for land reclamation, in Section 1, Title III-5, Item 17, and Section 36, Item 36.

Item 40. To the Department of Environment and Conservation, State Parks, in Section 1, Title III-5, Item 5, for operational expenses, and in Section 38, Item 4.3 of this act for parks modernization.

Item 41. To the Department of Environment and Conservation in Section 36, Item 38, for the replacement and maintenance of the state's Ambient Air Monitoring Network.

Item 42. To the Department of Environment and Conservation in Section 36, Item 39, for water resources file conversion.

Item 43. To the Department of Environment and Conservation, the unexpended balance of revenues generated from the disposal of invasive and/or non-invasive species from lands under department jurisdiction undergoing ecological restoration and donations received for such purpose.

Item 44. To the Department of Environment and Conservation, Natural Areas, the unexpended balance of donations made to the program.

Item 45. To the Tennessee Historical Commission in Section 1, Title III-5, Items 8 and 9, and Section 36, Item 42, for the Tennessee Wars Commission.

Item 46. To the Tennessee Historical Commission the unexpended funds from any prior appropriations for publications, historical markers and other historical activities.

Item 47. To the Department of Correction, Community Corrections, in Section 1, Title III-7, Item 5, and Section 36, Item 44, pursuant to Tennessee Code Annotated, Section 40-36-304(c)(1).

Item 48. To the Department of Correction in Section 36, Item 45, for grants to local re-entry programs.

Item 49. To the Department of Correction for monies appropriated for hepatitis C treatment.

Item 50. To the Department of Economic and Community Development in Section 36, Item 47, and from the appropriations made in Section 1, Title III-8, to support the Three-Star community program, the Main Street program, and other community development programs.

Item 51. To the Department of Economic and Community Development for nonFastTrack economic development project grants made in the Business Development program.

Item 52. To the Department of Economic and Community Development, Tennessee Film and Television Incentive Fund,

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pursuant to Tennessee Code Annotated, Section 4-3-4903(e), the Commissioner of Finance and Administration is authorized to carry forward unexpended balances of any appropriations made for the incentive fund, and the unexpended grant balances of the Tennessee Entertainment Commission.

Item 53. To the Department of Economic and Community Development from the unexpended balances of appropriations made in Section 1, Title III-8, Item 4, and Section 36, Item 50, for the headquarters relocation assistance program pursuant to Tennessee Code Annotated, Section 67-4-2109(g)(2).

Item 54. To the Department of Economic and Community Development, TNInvestco Tax Credits program, in Section 36, Item 51, and in Chapter 453, Public Acts of 2013, Section 38, Item 9.2.

Item 55. To the Department of Economic and Community Development for rural development project grants made from the Rural Development Fund.

Item 56. To the Department of Economic and Community Development in Section 36, Item 53, the unexpended balance of the \$2,000,000 appropriation for a HUD flood assistance grant.

Item 57. To the Department of Economic and Community Development for the unexpended balance of funds for LiftTN Urban Competitive Grants.

Item 58. All funds appropriated to the Department of Education for the purposes of the state testing programs which remain unobligated and unexpended at the end of any fiscal year shall not revert to the general fund but shall be carried forward in a reserve to be expended for the purposes of such programs.

Item 59. To the Department of Education in Section 36, Item 56, and in Section 1, Title III-9, Item 2.1e, of Chapter 603, Public Acts of 2007, in a non-recurring amount of \$2,000,000 for the Teach Tennessee Program.

Item 60. To the Department of Education, the unexpended balance of appropriations for the Safe Schools Act of 1998, in Section 36, Item 58; Section 1, Title III-9, Item 2.2(a); and Section 8, Item 41(a), pursuant to Tennessee Code Annotated, Section 49-6-4302(d).

Item 61. To the Department of Education, Achievement School District, the unexpended balance of allocations made to the district from the Basic Education Program formula.

Item 62. To the Department of Education, Achievement School District program, from (a) grants to the district from non-profit entities, (b) donations made to the program, and (c) student fees collected by the district.

Item 63. To the Department of Education, Achievement School District program, any prior year appropriations recovered from grantees.

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Item 64. To the Department of Education the unexpended balance of grants received from non-state entities for the provision of program services.

Item 65. To the Department of Education, the unexpended balance of appropriations for the Arts Academy in Section 36, Item 64 and in Section 1, Title III-9, Item 2.1e.

Item 66. To the Department of Education, State Board of Education, Section 36, Item 65, for K-12 Academic Standards Review Process.

Item 67. To the Department of Education, Special Education Services, in Section 36, Item 66, for the Individualized Education Act.

Item 68. To the Department of Education, in Section 36, Item 67 and in Section 1, Title III-9, Item 2.1a, the unexpended balance of appropriations for non-personnel expenditures for the Read to be Ready Initiative.

Item 69. To the Department of Education, in Section 36, Title, Item 68, the unexpended balance of \$3,100,000 for Professional Development.

Item 70. To the Department of Education, in Section 36, Item 69, the unexpended balance of the \$6,000,000 appropriation for the High-Quality Charter Schools Act.

Item 71. To the Department of Education, in Section 36, Item 70, and in Section 1, Title III-9, Item 2.1e, for standards-based professional learning.

Item 72. To the Department of Education, in Section 36, Item 71, the unexpended balance of the \$200,000 appropriation for educator preparation program innovation grants.

Item 73. To the Department of Education, in Section 36, Item 72, and in Section 1, Title III-9, Item 2.2e, for priority school grants.

Item 74. To the Department of Education, Early Childhood Education, the unexpended balance of appropriations for the Kindergarten Entry Screener program.

Item 75. To the Department of Education, in Section 36, Item 74, the unexpended balance of the \$500,000 appropriation for the Breakfast After the Bell school breakfast program.

Item 76. To the Department of Education, in Section 36, Item 75, the unexpended balance of the \$3,000,000 appropriation for seat belt grants.

Item 77. To the Department of Education, in Section 36, Item 76; and in Section 1, Title III-9, Item 1.1, for the Charter Schools Facility Fund.

Item 78. To the Department of Education, in Section 36, Item 77, the unexpended balance of the \$500,000 appropriation for the Principal Leadership Initiative.

Item 79. To the Department of Education, in Section 36, Item 78, for Read to Be Ready summer camps.

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Item 80. To the Department of Education, in Section 36, Item 79, College, Career, and Technical Education, the unexpended balances of the non-recurring appropriations for (a) Early Post Secondary Opportunities, (b) Occupational License Teacher Loan Forgiveness, (c) Middle School CTE start-up grants, (d) Work-Based Learning Coordinators, (e) STEM Expansion Program, and (f) National Career Readiness Certificate Pilot Program.

Item 81. To the Department of Education, in Section 36, Item 80, Academic Offices, the unexpended balances of the non-recurring appropriations for (a) Rural Principal Development, and (b) Governor's Civics Initiative.

Item 82. To the Department of Education, in Section 36, Item 81, for (a) Literacy Coaching Pilot, and (b) Online Literacy Tool.

Item 83. To the Department of Education, in Section 2, of Chapter 4, Public Acts of 2021 (1st Ex. Sess.), the unexpended balance of non-recurring appropriation relative to learning loss initiatives.

Item 84. To the Department of Education, in Section 1, Title III-9, Item 2.2e, the unexpended balance of the non-recurring appropriation for the parent teacher engagement pilot program.

Item 85. To Higher Education, Tennessee Higher Education Commission, in Section 36, Item 82, for Online Innovation Initiative.

Item 86. To Higher Education, Tennessee Higher Education Commission, in Section 1, Title III-10, the unexpended balance of revenues, including any associated reserve balances, received from federal college access initiative grants, for the same purpose.

Item 87. To Higher Education, Tennessee Higher Education Commission, in Section 36, Item 84, the unexpended balance of the \$1,800,000 appropriation for OnLine Innovation Initiatives.

Item 88. To Higher Education, Tennessee Higher Education Commission, in Section 36, Item 85, the unexpended balance of the \$250,000 appropriation for Ready to Reconnect Program – Community College Grants.

Item 89. To Higher Education, THEC Grants, in Section 1, Title III-10, Item 1.6 and in Section 36, Item 86, for the Veteran Reconnect program.

Item 90. To Higher Education, THEC Grants, in Section 36, Item 87 and in Section 1, Title III-10, Item 1.6, for Tennessee Promise Forward grants.

Item 91. To Higher Education, THEC Grants, in Section 36, Item 88, for (a) the unexpended balance of the \$10,000,000 appropriation for Labor Education Alignment Program (LEAP) 2.0, and (b) the unexpended balance of the \$25,000,000 appropriation for Governor's Investment in Vocational Education – Community Grants.

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Item 92. To Higher Education, THEC Grants, in Section 36, Item 89, the unexpended balance of the \$800,000 appropriation for Institutional Outcome Improvement Fund.

Item 93. To Higher Education, THEC Grants, in Section 36, Item 90, the unexpended balance of the \$150,000 appropriation for the Drive to 55 Operating Fund.

Item 94. To Higher Education, THEC Grants, in Section 36, Item 91, the unexpended balance of the \$2,210,600 appropriation for the College Advisor Corps nonpersonnel expenditures.

Item 95. To Higher Education, Tennessee Student Assistance Corporation, for the Tennessee student assistance program.

Item 96. To Higher Education, Tennessee Student Assistance Corporation, for the Tennessee student loan program.

Item 97. To Higher Education, THEC Grants, for Supporting Postsecondary Access in Rural Communities micro grants.

Item 98. To Higher Education, THEC Grants, the unexpended balance of the non-recurring \$2,000,000 appropriation for security grants.

Item 99. To Higher Education, THEC Grants, the unexpended balance of the non-recurring \$1,000,000 appropriation for the veterans reconnect program.

Item 100. To the Department of Commerce and Insurance for the volunteer firefighter equipment and training grant program, pursuant to Tennessee Code Annotated, 68-102-154.

Item 101. To the Department of Labor and Workforce Development in Section 36, Item 96, and in Section 1, Title III-13, Item 8, for the Subsequent Injury and Vocational Recovery Fund.

Item 102. To the Department of Mental Health and Substance Abuse Services in Section 1, Title III-14, Item 2.5, and Section 36, Item 97, for housing initiatives for persons with mental illness or substance use disorder.

Item 103. To the Department of Mental Health and Substance Abuse Services for the unspent balance of the \$15,000,000 appropriation in Section 36, Item 98 and Section 1, Title III-14, Item 2.5, for Pre-Arrest Diversion programs.

Item 104. To the Department of Military in Section 36, Item 99, for tuition assistance.

Item 105. To the Department of Health, in Section 36, Item 100, and in Section 1, Title III-16, Item 4, for the Health Access Incentive Fund program.

Item 106. To the Department of Health the unexpended balance of the \$5,000,000 appropriation in Section 36, Item 101, for tobacco cessation.

Item 107. To the Department of Intellectual and Developmental Disabilities Services in Section 1, Title III-25, Item 2, Community

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Intellectual Disabilities Services, for the unspent balance of appropriations in the enabling technology program.

Item 108. To the Department of Intellectual and Developmental Disabilities Services, any unexpended state appropriations, not to exceed ten percent (10%) of the total appropriated funds for the Tennessee Early Intervention Services program in both the Department of Intellectual and Developmental Disabilities Services and the Department of Children's Services and transferred from the Department of Education to the Department of Intellectual and Developmental Disabilities Services. Said reserve is subject to the approval of the Commissioner of Finance and Administration.

Item 109. To the Department of Human Services for the purpose of Child Support Enforcement which remain unobligated and unexpended may be carried forward in reserve.

Item 110. To the Department of Human Services for the purpose of Vocational Rehabilitation services to clients which remain unobligated and unexpended may be carried forward in reserve.

Item 111. To the Department of Revenue for the production of license plates.

Item 112. To the Department of Revenue, Administration Division, from proceeds resulting from investigation and enforcement of state tobacco laws.

Item 113. To the Department of Revenue in Section 36, Item 106, and Section 1, Title III-18, Item 8, for sales tax disaster relief pursuant to Tennessee Code Annotated, Section 67-6-396.

Item 114. To the Department of Revenue, Insurance Verification, for the uninsured motorist identification restricted fund pursuant to Tennessee Code Annotated, Section 55-12-213.

Item 115. To the Department of Safety and the Tennessee Bureau of Investigation from the handgun carry permit fees paid pursuant to Tennessee Code Annotated, Section 39-17-1351.

Item 116. To the Department of Safety the unexpended balance of donations from any non-profit organization created pursuant to Tennessee Code Annotated, Section 4-3-2017.

Item 117. To the Department of Safety from driver license fee revenue an amount not to exceed \$11,600,000.

Item 118. To the Department of Safety in Section 1, Title III-20, Item 8, the unexpended balance of the \$2,600,000 non-recurring appropriation for communications dispatch system replacement.

Item 119. To the Department of Safety in Section 1, Title III-20, Item 2, the unexpended balance of overtime funding to alleviate wait times at driver service centers.

Item 120. To Miscellaneous Appropriations in Section 36, Item 111, to fund a severance benefit plan for the voluntary buyout program in calendar year 2008 and reduction-in-force separations which

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have occurred or will occur as a result of budget legislation in the 2008 through 2021 legislative sessions and in accordance with the severance benefit plan in the applicable general appropriations act. The funds hereby are reappropriated to provide for such costs in the fiscal year ending June 30, 2021, and the Commissioner of Finance and Administration is authorized to reduce the amount carried forward to an amount estimated to be required.

Item 121. To Miscellaneous Appropriations in Section 36, Item 112, for wildfire suppression costs.

Item 122. The Commissioner of Finance and Administration is authorized to carry forward the unexpended balance of the appropriation made to Miscellaneous Appropriations in Section 36, Item 113, for the completion of a weighted caseload study to analyze the distribution of judicial, district attorney general and public defender positions throughout the state.

Item 123. To Miscellaneous Appropriations in Section 36, Item 115, the unexpended balance of the appropriation for Group Health Insurance, Other PostEmployment Benefits Liability, to be used for the purpose of paying expenses in connection with establishing the other post-employment benefits trust.

Item 124. To Miscellaneous Appropriations in Section 36, Item 116, for Citizens Plaza Bond Defeasance, and reappropriated in Section 44, Item 4 of Chapter 405, Public Acts of 2019.

Item 125 To Miscellaneous Appropriations in Section 56, Item 1-7 and Section 59, Item 1, the unexpended balance of the Health and Safety Emergency and Contingency Fund.

Item. 126. To Miscellaneous Appropriations in Section 4, Item 2 of Chapter 760, Public Acts of 2020, the unexpended balance of the \$50,000,000 non-recurring appropriation for a voluntary employee buyout program.

Item 127. To Miscellaneous Appropriations, in Section 9, Item 2 of Chapter 760, Public Acts of 2020, for consulting/study – governor's efficiency initiatives.

Item 128. To the Department of Children's Services in Section 36, Item 118. Subject to the availability of revenue, the Commissioner of Finance and Administration is authorized to carry forward funds to provide for a statewide needs assessment of child welfare services.

Item 129. To the Department of Children's Services, Family Support Services, in Section 36, Item 119, the unexpended balance of the \$175,000 appropriation for Zero to Three courts.

Item 130. To the Department of Transportation in Section 1, Title III-31, Item 3, for equipment purchases.

Item 131. To the Department of Transportation for any appropriations which are reserved at June 30, 2021.

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Item 132. National Mortgage Servicers Consent Judgment. To the affected agencies, in Section 36, Item 122, the unexpended balances of the following appropriations made in Chapter 1029, Public Acts of 2012, Section 65, pursuant to the National Mortgage Servicers Consent Judgment, including:

(a) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(b) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(c) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (i) \$350,000 for examiner training; (ii) \$350,000 for information technology support and equipment; (iii) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (iv) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to reallocate amounts among these purposes.

Item 133. To the Attorney General and Reporter, in Section 1, Title 111-1, Item 1.1, the unexpended balance of the \$400,000 non-recurring appropriation for establishing or increasing oversight of the state employee health plan.

Item 134. To the Department of Finance and Administration, in Section 36, Item 117, for transportation of mental health patients.

Item 135. To the Department of Agriculture, in Section 61, Item 2, of this act, the unexpended balance of the \$300,000 appropriation for the Wine and Grape Board.

Item 136. To the Department of Education, in Section 61, Item 4 of this act, the unexpended balance of the \$18,500,000 appropriation for summer transportation grants.

Item 137. To the Department of Military, in Section 1, Title 111-15, Item 4, Tennessee Emergency Management Agency, the unexpended balance of appropriations for state match on federal emergency preparedness management grants.

Item 138. To Miscellaneous Appropriations, in Section 61, Item 5 of this act, the unexpended balance of the \$1,000,000 appropriation for the 225th anniversary of Tennessee Statehood.

SECTION 37. Carry-forward of Unexpended Balances for Local Government Agencies and Third-Party Nonprofit Agencies. The provisions of this section take effect upon becoming a law, the public welfare requiring it. Subject to the availability of revenue at June 30, 2021, any unexpended balances of appropriations made under Chapters 651 and 760, Public Acts of 2020, other acts of this General Assembly or acts by previous General Assemblies for benefit of an agency of local government or a third-party nonprofit organization for which there is a grant agreement/contract approved by the Commissioner

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of Finance and Administration are hereby reappropriated to be expended in the 2021-2022 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2021. The Commissioner of Finance and Administration shall provide a list of any unexpended balances carried forward to the Director of Accounts and to the Division of State Audit. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration, and expenditure and reporting requirements are adjusted accordingly to the fiscal year in which the funds are received by the grant recipient, notwithstanding any provision in the grant agreement to the contrary.

SECTION 38. Supplemental Appropriations 2020-2021. The provisions of this section take effect upon becoming a law, the public welfare requiring it. There is hereby appropriated the following amounts which shall be in addition to the appropriations provided under Chapters 651 and 760, Public Acts of 2020:

1. Comptroller of the Treasury
 - 1.1 Administrative and Support Services – AGA National Conference.. \$ 100,000.00
2. Court System
 - 2.1 Administrative Office of the Courts – Technology Fund..... 1,000,000.00
3. Finance and Administration
 - 3.1 Criminal Justice Programs – Pre-Trial Symposium..... 769,800.00
4. Environment and Conservation
 - 4.1 State Parks–Modernization..... \$ 1,271,800.00
 - 4.2 Clean Drinking Water State Revolving Fund Grant Match..... 2,622,300.00
 - Total Environment and Conservation..... \$ 3,894,100.00
5. Economic and Community Development
 - 5.1 FastTrack Infrastructure and Job Training Assistance – ECD Project..... \$50,000,000.00
 - 5.2 TN Investco Tax Credits–Tax Credit Recognition..... 400,000.00
 - Total Economic and Community Development..... \$50,400,000.00
6. Miscellaneous Appropriations
 - 6.1 Process Automation and Efficiencies..... \$ 5,000,000.00
 - 6.2 Ongoing Litigation and Settlements..... 2,000,000.00

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Total Miscellaneous Appropriations.....	
\$ 7,000,000.00	
7. Salary Policy 2% Pool Effective 1/1/21	
7.1 Miscellaneous Appropriations—TEAM Act Agencies.....	
\$15,255,000.00	
7.2 Miscellaneous Appropriations – Non-TEAM Act Agencies.....	3,627,000.00
7.3 Centers of Excellence—Higher Ed Salary Policy.....	
164,700.00	
7.4 Campus Centers of Emphasis—Higher Ed Salary Policy.....	
10,100.00	
7.5 UT University-Wide Administration – Higher Ed Salary Policy.....	38,600.00
7.6 TN Foreign Language Institute – Higher Ed Salary Policy.....	15,000.00
7.7 UT Institute for Public Service—Higher Ed Salary Policy.....	47,300.00
7.8 UT Municipal Technical Advisory Service – Higher Ed Salary Pol...	56,700.00
7.9 UT County Technical Advisory Service – Higher Ed Salary Pol.....	40,400.00
7.10 UT Space Institute—Higher Ed Salary Policy.....	
81,100.00	
7.11 UT Agricultural Experiment Station – Higher Ed Salary Policy.....	289,100.00
7.12 UT Agricultural Extension Service – Higher Ed Salary Policy.....	379,800.00
7.13 UT Veterinary Medicine – Higher Ed Salary Policy.....	345,500.00
7.14 UT Health Science Center – Higher Ed Salary Policy.....	2,065,900.00
7.15 UT Chattanooga—Higher Ed Salary Policy.....	
637,500.00	
7.16 UT Knoxville – Higher Ed Salary Policy.....	2,312,400.00
7.17 UT Martin – Higher Ed Salary Policy.....	339,100.00
7.18 Tennessee Board of Regents – Higher Ed Salary Policy.....	163,100.00
7.19 TSU McMinnville Center – Higher Ed Salary Policy.....	9,000.00
7.20 TSU Inst. Of Ag. and Env. Research – Higher Ed Salary Policy.....	22,100.00

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7.21 TSU Cooperative Education - Higher Ed Salary Policy.....	40,500.00	
7.22 ETSU College of Medicine - Higher Ed Salary Policy.....	515,200.00	
7.23 ETSU Family Practice - Higher Ed Salary Policy.....	154,800.00	
7.24 TSU McIntire-Stennis Forestry Research - Higher Ed Salary Policy.....	2,200.00	
7.25 Austin Peay State University - Higher Ed Salary Policy.....	501,900.00	
7.26 East Tennessee State University - Higher Ed Salary Policy.....	784,200.00	
7.27 University of Memphis - Higher Ed Salary Policy.....	1,356,200.00	
7.28 Middle Tennessee State University - Higher Ed Salary Policy.....	1,135,000.00	
7.29 Tennessee State University - Higher Ed Salary Policy.....	529,200.00	
7.30 Tennessee Technological University - Higher Ed Salary Policy.....	526,300.00	
7.31 Tennessee Community Colleges - Higher Ed Salary Policy.....	2,634,000.00	
7.32 TN Colleges of Applied Technology - Higher Ed Salary Policy.....	594,400.00	
7.33 Highway Patrol - Commissioned Officers Salary Survey.....	761,300.00	
7.34 TN Law Enf. Training Agency - Comm. Officers Salary Survey.....	17,700.00	
Total Salary Policy 2% Pool Effective 1/1/21.....		\$ 35,452,300.00
8. Wildlife Resources Agency		
8.1 Wildlife Resources Agency - Comm. Officers Salary Survey.....	429,000.00	
TOTAL		\$ 99,045,200.00

Certain items above are funded from the following dedicated sources: item 7.1 from realized receipts of the Wildlife Resources Fund.

The Commissioner of Finance and Administration is authorized to allot and transfer these appropriations to the appropriate expenditure account within each department, agency or branch of government and to adjust authorized positions accordingly. The Commissioner of Finance and Administration is further authorized to adjust federal aid and departmental revenues accordingly.

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SECTION 39. Program Expansions from Federal and Other Departmental Revenue. The provisions of this section take effect upon becoming law, the public welfare requiring it. At June 30, 2021, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2021.

There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	2020-2021	2021-2022
District Attorneys General Conference		
1. DUI Prosecution Grant - 18th Judicial District	\$ 135,200	\$ 135,200
Commission on Aging and Disability		
1. Older Americans Act - Nutrition Grant	0	3,406,100
Tennessee Housing Development Agency		
1. Emergency Rental Relief Program	184,051,300	199,389,000
Tourist Development		
1. Tourism EDA Grant	1,400,000	1,400,000
Environment and Conservation		
1. Building Technologies Energy Program	0	333,400
Education		
1. Elementary and Secondary School Emergency Relief Fund 3.0	414,606,300	414,606,300
Mental Health and Substance Abuse Services		
1. Comprehensive Opioid, Stimulant, and Substance Abuse Program Expansion	\$ 1,500,000	\$ 2,000,000
2. COVID-19 Behavioral Health Care Response	1,000,000	1,859,600
3. Mental Health Block Grant	2,000,000	8,000,000
4. Substance Abuse Prevention and Treatment Block Grant	3,746,700	14,986,800
Sub-Total Mental Health and Substance Abuse Services	\$ 8,246,700	\$ 26,846,400
Health		
1. COVID-19 Vaccination Distribution and Outreach	\$ 30,853,700	30,853,700

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2. Epidemiology and Laboratory Capacity

COVID-19 Testing and Surveillance	185,000,000	104,038,100
3. Suicide Prevention and Research	625,000	750,000
Sub-Total Health	\$ 216,478,700	\$ 135,641,800
Human Services		
1. Supplemental Nutrition Assistance Program	650,000,000	0
Tennessee Bureau of Investigation		
1. Law Enforcement Based Victim Services		
Coordinator	127,400	130,600
Total	\$ 1,475,045,600	\$ 781,888,800

The Commissioner of Finance and Administration is authorized to establish twenty-five (25) full-time positions and to allocate them to the District Attorneys General Conference (2), Department of Education (22), and the Tennessee Bureau of Investigation (1).

SECTION 40. Accrued Liabilities and Obligations Between State Agencies. There is hereby appropriated a sum sufficient to recognize any accrued liability of the state and any obligations between state agencies at June 30, 2022, and federal aid and departmental revenues may be adjusted accordingly. This appropriation is subject to certification of the accrued liability and obligations between state agencies by the Commissioner of Finance and Administration to the State Comptroller. The commissioner shall provide a copy of the certification to the Office of Legislative Budget Analysis.

SECTION 41. The provisions of this section take effect upon becoming a law, the public welfare requiring it.

Item 1.

(1) From the appropriations made in Sections 1 and 4 of this act, there are appropriated sums sufficient to fund the following programs:

(a) An amount sufficient to implement and pay the cost of administering the Section 125 cafeteria plan established for state employees is hereby appropriated for that purpose. From the appropriation made in this item and any annual forfeited contributions, the Commissioner of Finance and Administration is authorized to establish positions and funding for such positions to fund recurring and nonrecurring costs of administering the cafeteria plan established for such employees. There is hereby appropriated a sum sufficient to pay additional costs of administering the State Employee Cafeteria Plan as a result of increased participation in the plan by state employees; and

(b) An amount up to but not exceeding \$1,000,000 for the wellness program or other state employee insurance programs administered by the Department of Finance and Administration; and

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(c) An amount up to but not exceeding \$10,000 for the daycare program for children of state employees as administered by the Department of Human Services, provided, that allotment of funds under this sub-item is subject to approval of the Commissioner of Finance and Administration; and

(d) An amount up to but not exceeding \$154,500 to fund the administrative costs of the state employee sick leave bank administered by the Department of Human Resources; and

(e) An amount to provide for the employer match to the state's 401(k) plan for state employees compensated on the centralized state payroll system pursuant to Tennessee Code Annotated, Title 8, Chapter 25.

(2) There is hereby appropriated in Section 1, Title III-22, Item 4.1, of this act the sum of \$9,197,000 for the fifty dollar (\$50) match for state employees compensated on the centralized state payroll system if the amount appropriated in Sections 1 and 4 is insufficient.

(3) There is hereby appropriated a sum sufficient from employer FICA tax savings from the Section 125 cafeteria plan maintained by the University of Tennessee to provide for the employer match to the state's 401(k) plan for employees of institutions under the University of Tennessee system pursuant to Tennessee Code Annotated, Title 8, Chapter 25. Should this be insufficient to provide for the fifty dollar (\$50) match, there is appropriated in Section 1, Title III-10, of this act, the sum of \$2,838,100 to supplement funding for such match.

(4) There is hereby appropriated a sum sufficient from employer FICA tax savings from the Section 125 cafeteria plan maintained by the Board of Regents and locally governed institutions system to provide for the employer match to the state's 401(k) plan for employees of institutions under the Board of Regents and locally governed institutions system pursuant to Tennessee Code Annotated, Title 8, Chapter 25. Should this be insufficient to provide for the fifty dollar (\$50) match, there is appropriated in Section 1, Title III-10, of this act, the sum of \$4,328,500 to supplement funding for such match.

(5) The State Treasurer shall have the authority to contract with the optional retirement plan vendors to provide investment products to optional retirement plan participants under the state's 401(k) program.

Item 2. The Commissioner of Finance and Administration is hereby authorized to establish a reserve account for Community Services Agency (CSA). If any CSA ceases to operate, any fund balances may be deposited to this account. There is hereby appropriated a sum sufficient from the reserve account to provide for outstanding obligations of any CSA or the ongoing operational cost of any CSA. Disbursement from this fund is subject to the approval of the Commissioner of Finance and Administration.

Item 3. To the State Treasurer, TN Stars College Savings 529 Program, from financial management fees in the program.

PUBLIC CHAPTER NO. 454 (cont'd)**SECTION 42. Legislation Requiring Local Government Expenditures – Appropriations and Provisions.**

Item 1. No law of general application which imposes increased expenditure requirements on cities and counties in excess of one million dollars (\$1,000,000) shall take effect unless the state share of the cost of such law is specifically appropriated by the provisions of this act.

Item 2. From the growth in state-shared taxes apportioned to cities and counties and from the increase in local revenue generated from passage of any general law during the 2021 annual session of the 112th General Assembly not otherwise appropriated pursuant to this act, a sum sufficient hereby is appropriated to fund the state share of the cost of any law of general application which requires, without local discretion, that incorporated municipalities or county governments increase expenditures as a direct consequence of passage of any general law.

SECTION 43. Over-Appropriation, Reserve Designations, Fund Transfers, and Revenue Allocations. The provisions of this section take effect upon becoming a law, the public welfare requiring it.

Item 1. It is the legislative intent to recognize over-appropriation reversion savings in the general fund in the following amounts:

(a) In fiscal year 2020-2021 to recognize an over-appropriation of \$76,808,500, including a base recurring over-appropriation of \$76,808,500 and a non-recurring over-appropriation of \$0.

(b) In fiscal year 2021-2022 to recognize an over-appropriation of \$76,808,500, including a base recurring over-appropriation of \$76,808,500 and a non-recurring over-appropriation of \$0.

(c) It is the legislative intent that any reversion from higher education appropriations to the general fund balance at June 30, 2022, be drawn from the unexpended balance in the Tennessee Higher Education Commission and the Tennessee Student Assistance Corporation, but not from the Tennessee Student Assistance Awards.

Item 2. In the fiscal year ending June 30, 2021, there shall be reserved or designated a sum in the general fund balance to provide for non-recurring appropriations and other appropriations intended to be funded in the 2021-2022 fiscal year from the general fund balance at June 30, 2021. The Commissioner of Finance and Administration shall determine the amount to be reserved or designated.

Item 3. Under the provisions of Tennessee Code Annotated, Section 55-6-107(a), the sum of \$4,100,000 shall be allocated to the general fund for the cost of issuing motor vehicle registration plates in the fiscal year ending June 30, 2022.

Item 4. Unexpended appropriations or unreserved fund balances in an amount to be determined by the Commissioner of Finance and Administration shall be transferred from the debt service fund to the general fund in the fiscal year ending June 30, 2021.

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Item 5. In the fiscal year ending June 30, 2021, the sum of \$100,000 shall be transferred from the debt service fund to the highway fund. The sum transferred is the gasoline tax revenues allocated to the debt service fund in the fiscal years 2020-2021 to provide the state match on debt service appropriations for bonds authorized in the amount of \$262,500,000 for implementation of Phases I, II, and III of the Tennessee transportation infrastructure improvement bond program of 2009.

Item 6. In the fiscal year ending June 30, 2021, tax revenues allocated to the debt service fund, including motor vehicle title fees, in excess of \$342,200,000 shall be transferred to the general fund. If said allocation to the debt service fund is less than \$342,200,000, then the allocation of excise tax revenues to the debt service fund shall be increased in an amount to provide the allocation of \$342,200,000 to the debt service fund.

Item 7. In the fiscal year ending June 30, 2021, the allocation of motor vehicle title fees to the debt service fund shall be the sum generated by the \$1.50 fee under the provisions of Tennessee Code Annotated, Section 55-6-101(a)(1).

Item 8. Pursuant to Tennessee Code Annotated, Section 67-6-103, there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$1,000,000 in the fiscal year ending June 30, 2021, and the sum of \$1,000,000 in the fiscal year ending June 30, 2022. These apportionments recognize the state share of certain laws imposing costs on local governments, to include: (a) Chapter 531, Public Acts of 2009, Section 30, relative to commitment of children to state custody at a rate above 300 percent of the average commitment rate from counties, in the amount of \$400,000; and (b) Chapter 987, Public Acts of 2012, relative to domestic assault, in the amount of \$600,000.

Item 9. In the fiscal year beginning July 1, 2021, the sum of \$250,000,000 shall be transferred from the general fund to the K-12 Mental Health Trust Fund, with \$225,000,000 being deposited into the K-12 mental health endowment account and \$25,000,000 being deposited into the K-12 mental health special reserve account.

The provisions of this item are subject to Senate Bill No. 739 / House Bill No. 73 becoming a law, the public welfare requiring it.

SECTION 44. State Office Buildings and Support Facilities Revolving Fund. Item 1. There is hereby appropriated a sum sufficient from the State Office Buildings and Support Facilities Revolving Fund to provide for expenditures authorized under Tennessee Code Annotated, Title 9, Chapter 4, Part 9. There is appropriated a sum sufficient to the revolving fund in recognition of the lease cost of space for which recovery is not in the state's best interest. The Commissioner of Finance and Administration is authorized to allot, from the amount carried forward under Tennessee Code Annotated, Title 9, Chapter 4, Part 9, to provide funding for state office buildings and support facilities, and

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is further authorized to make appropriation transfers between the revolving fund and state departments and agencies.

Item 2. Funds herein appropriated for capital outlay of the state office building and support facilities revolving fund shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures, as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2021-2022 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay of the state office buildings and support facilities revolving fund shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1.

Item 3. The appropriation made to the state office building and support facilities revolving fund pursuant to Chapter 554, Public Acts of 2009, Section 68, Item 8(b), for purposes authorized by Chapter 529, Public Acts of 2009, "The Tennessee Clean Energy Act of 2009," and reappropriated in Chapter 1029, Public Acts of 2012, Section 41, Item 28, is hereby reappropriated for the same purpose.

SECTION 45. Strategic Technology Solutions; Information Systems Development. The provisions of this section take effect upon becoming a law, the public welfare requiring it.

Item 1. There is hereby created a Capital Projects Account in the Strategic Technology Solutions program for the administration of the Information Systems Capital Projects Budget. This account is established to provide for: (a) implementation of the statewide Management Information Systems (MIS) Plan; (b) ability to separate the operational budget of the Strategic Technology Solutions program and the system development projects contained in the MIS Plan; and (c) financial control of the system development projects, including equipment replacement for the various agencies of state government.

Item 2. There is hereby authorized the transfer of those sums appropriated for Information Systems Capital Projects in Sections 1 and 4 and in Section 36, Item 1, of this act. Federal aid funds and other departmental revenues shall be adjusted accordingly to reflect the transfer of state appropriations.

Item 3. The Commissioner of Finance and Administration is authorized to transfer to the Capital Projects Account any appropriations made in Sections 1 and 4 of this act resulting from operating savings derived from implementation of information systems funded through this section.

Item 4. From the appropriations made for systems development and other data processing activities in this act and other acts of the legislature, the Commissioner of Finance and Administration is

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authorized to establish and charge the costs of information systems analyst positions, workstation support positions, and other data processing positions to said appropriations. The Commissioner of Finance and Administration is further authorized to transfer between departments and agencies existing information systems analyst positions, workstation support positions, and other data processing positions and the funding provided in this act for transferred positions.

Item 5. Expenditure of any funds, subject to the jurisdiction of the Information Systems Council, appropriated for systems development, the purchase of computer software or the purchase of computer hardware shall be subject to the policies of such Council.

Item 6. From the appropriations made for information systems activities in this act and other acts of the legislature, the Commissioner of Finance and Administration is authorized to transfer from professional services to payroll amounts budgeted for contractors. Additionally, the Commissioner of Finance and Administration is authorized to increase authorized positions in order to replace contractors with state employees.

Item 7. The Commissioner of Finance and Administration is authorized to approve an adjustment in rates charged by the Strategic Technology Solutions program and to reserve any funds needed to rebate savings to the federal government and to reallocate state appropriations between departments and to adjust federal aid and other departmental revenue accordingly. Any adjustment of rates or reserve of funds pursuant to the provisions of this act shall be reported to the Information Systems Council.

Item 8. The Commissioner of Finance and Administration shall have the authority to allocate savings generated from rate reductions from the Strategic Technology Solutions program to support modifications needed to be made to existing applications resulting from technology obsolescence or product nonperformance to extend the life of a system.

SECTION 46. Appropriations from Dedicated Special License Plate and Motor Vehicle Registration Fees.

Item 1. The revenues allocated under the provisions of Tennessee Code Annotated, Title 55, Chapter 4, Parts 2 and 3, Special License Plates, are hereby appropriated in a sum sufficient amount as provided in Parts 2 and 3.

Item 2. From the motor vehicle registration fees imposed pursuant to Tennessee Code Annotated, Section 55-4-132, there is hereby appropriated a sum sufficient in the fiscal year ending June 30, 2022, to be used solely for the development, acquisition, and updating of a computerized titling and registration system, and for the operation of the titling and registration system. The Commissioner of Finance and Administration is authorized to allocate the funds to implement the intent of the act.

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SECTION 47. Revenue Fluctuation Reserve, Reserve for Future Requirements (General Fund Surplus), and Other General Fund Reserves. The provisions of this section take effect upon becoming a law, the public welfare requiring it.

Item 1. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2021, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$1,450,000,000 on June 30, 2021.

Item 2. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2022, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$1,500,000,000 on June 30, 2022.

Item 3. It is the legislative intent that at June 30, 2021, any surplus general fund revenue, after fulfilling the requirements of Chapters 651 and 760, Public Acts of 2020, and of this act, including all requirements of the closing of accounts at June 30, 2021, be deposited in a reserve for future requirements.

SECTION 48. TennCare Program. The provisions of this section take effect upon becoming a law, the public welfare requiring it.

Item 1. The Commissioner of Finance and Administration is authorized to transfer all federal and state health care funds, except those funds appropriated to support the State Group Insurance Program, the Local Education Insurance Program and the Local Government Health Insurance Program, to the TennCare Program for the purpose of implementing any program approved by waiver, state plan amendment and/or state and federal legislation pursuant to the provisions of health care services to Tennesseans designated as eligible by TennCare. In addition, any premiums collected by the TennCare Program are explicitly authorized to be appropriated to the program for the purpose of carrying out the provisions of TennCare.

The Commissioner of Finance and Administration is further authorized to transfer state funds and positions, as required, between TennCare and the following agencies and programs: Community Mental Health Services and mental health institutes in the Department of Mental Health and Substance Abuse Services; Intellectual and Developmental Disabilities; Children's Services; Human Services; Strategic Health-Care Programs; Commerce and Insurance, Division of TennCare Oversight; and other health services.

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Item 2. From the appropriations made to the TennCare Program in this act in Section 1, Title III-26 and Section 4, Title III-25, for the Program Integrity Unit, the Commissioner of Finance and Administration is authorized to transfer positions from TennCare to the Attorney General and Reporter and to adjust departmental revenue estimates accordingly.

Item 3. Subject to the availability of funding at June 30, 2021, the Commissioner of Finance and Administration is authorized to carry forward into the fiscal year beginning July 1, 2021, any unexpended balances of appropriations made under Chapters 651 and 760, Public Acts of 2020, for the TennCare program, and such funds as are carried forward hereby are reappropriated to be expended in the 2021-2022 fiscal year. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues accordingly.

Item 4. For fiscal year 2021-2022, in addition to all other appropriations to the TennCare Program, the Commissioner of Finance and Administration is authorized to use certified public expenditures and/or intergovernmental transfers from all government-related TennCare service providers and local governments for the purpose of matching funds under federal law for the TennCare Program. The use of the certified public expenditures and/or intergovernmental transfers shall be in accordance with federal law and regulations.

Item 5. The Commissioner of Finance and Administration is hereby authorized to adjust revenue estimates and related expenditures in Section 4, Title III-25, related to premiums and drug rebates for the purpose of carrying out the provisions of TennCare.

Item 6. The Commissioner of Finance and Administration is hereby authorized to expend or lend from the funds appropriated such sums as the Commissioner deems appropriate to assist TennCare managed care organizations (MCO) in their operations and obtain services from contractors, consultants, and other third parties to give such assistance, such being determined by the General Assembly to be for a public purpose. The Commissioner shall provide prompt notification to the Speakers of the Senate and House of Representatives and to the Chairs of the Finance, Ways and Means Committees regarding any such expenditure or loan with complete details of the amounts and recipients involved in such transactions.

Item 7. It is the intent of the General Assembly that the Commissioner of Finance and Administration shall have the authority to promulgate, as emergency rules pursuant to Tennessee Code Annotated, Section 4-5-208, those rules and regulations which concern the Medicaid/TennCare program, including Medicare Crossover payments, and which require promulgation in order for the state to fiscally function within the appropriations provided for the Medicaid/TennCare program or within the availability of revenues received for the Medicaid/TennCare program.

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Item 8. The Commissioner of Finance and Administration is authorized to impose service limitations, to reduce optional eligibility categories, mandate standardized reimbursement levels, and/or reduce, or limit, optional benefits in the TennCare Program as necessary to control program expenditures in the fiscal years ending June 30, 2021, and June 30, 2022.

SECTION 49. Salary Policy for State and Higher Education Employees.**Item 1. Executive Branch Employees – Salary Pool.**

(a) From the appropriation made in Section 38, Item 7.1, it is the legislative intent to provide a pool of funds for salary increases for executive branch employees as defined in Tennessee Code Annotated, Section 8-30-102(a), effective January 1, 2021. The salary increases are not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(1) The pool of funds shall be used to provide increased pay based on performance as measured by employee reviews.

(b) From the appropriation made in Section 1, Title III-22, Item 4.2, TEAM Act – Performance Bonus Pool, it is the legislative intent to provide a pool of funds for salary bonuses for executive branch employees as defined in Tennessee Code Annotated, Section 8-30-102(a), effective July 1, 2021. The salary bonuses are not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(1) The pool of funds shall be used to provide bonus pay based on increased performance as measured by employee reviews.

(c) From the appropriation made in Section 1, Title III-22, Item 4.3, TEAM Act – Performance Pay Pool, it is the legislative intent to provide a pool of funds for salary increases for executive branch employees as defined in Tennessee Code Annotated, Section 8-30-102(a), effective July 1, 2021 to annualize the pool of funds for executive branch employee salary increases effective January 1, 2021 as appropriated in Section 38 of this act, and further, to provide a pool of funds for salary increases effective after June 30, 2021. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(1) The pool of funds shall be used to provide increased pay based on performance as measured by employee reviews.

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(d) From the appropriation made in Section 1, Title III-22, Item 4.5, Market Rate Adjustment, it is the legislative intent to provide a pool of funds for salary increases for employees as defined in Tennessee Code Annotated, Section 8-30-102(a) and (b), effective July 1, 2021. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan. The salary increases shall be according to the following provisions:

(1) The pool of funds shall be used to implement a salary market rate adjustment.

Item 2. Non-Executive Branch Employees, Other Employee Classes – Salary Increase.

(a) (1) Except as provided in sub-item (a)(2), from the appropriation made in Section 38, Item 7.2, it is the legislative intent to provide an across-the-board salary increase effective January 1, 2021, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b). The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan.

(2) From the appropriation made in Section 38, Item 7.2, it is the legislative intent to provide a salary increase effective January 1, 2021, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b)(3) – (5). The amount of each employee's salary increase, if any, shall be determined by the respective appointing authority of each employee's agency. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provisions of such plan.

(b) (1) Except as provided in sub-item (b)(2), from the appropriation made in Section 1, Title III-22, Item 4.4, Non-TEAM Act – Salary Pool, it is the legislative intent to provide funds to annualize the salary increase appropriated in Section 38 of this act, and to provide funds for an across-the-board salary increase effective July 1, 2021, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b). The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated plan shall be paid in accordance with the provisions of such plan.

(2) From the appropriation made in Section 1, Title III-22, Item 4.4, Non-TEAM Act – Salary Pool, it is the legislative intent to provide funds to annualize the salary increase appropriated in Section 38 of this act, and to provide funds for a salary increase effective July 1,

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2021, for employees as defined in Tennessee Code Annotated, Section 8-30-102(b)(3) – (5). The amount of each employee's salary increase, if any, shall be determined by the respective appointing authority of each employee's agency. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, that employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provisions of such plan.

Item 3. K-12 Education Teachers and Other Certified Staff – Salary Increase.

(a) From the appropriation made in Section 1, Title III-9, Item 2.1c, it is the legislative intent to provide a pool of funds to annualize the state funding proportion of the employee salary increases enacted in Chapter 4, Public Acts of 2021 (1st Ex. Sess.), and for employee salary increases for teachers and other certified staff, effective July 1, 2021; provided, further, that said increases will be allocated according to the salary and compensation schedules of each Local Education Agency.

Item 4. Higher Education Employees – Salary Pool.

(a) From the appropriations made in Section 38, Items 7.3 through 7.32, it is the legislative intent to provide a pool of funds equivalent to a 2.0 percent across the board salary increase for higher education employee salary increases effective January 1, 2021, at a level determined by each governing board.

(b) From the appropriations made in Section 1, Title III-10, Items 2.2, 2.3, 3, and 4, it is the legislative intent to provide a pool of funds to annualize the salary increase pool appropriated in Section 38 of this act, and to provide a pool of funds equivalent to a 2.0 percent across the board salary increase for higher education employee salary increases effective July 1, 2021, at a level determined by each governing board.

Item 5. Survey Portion of Commissioned Officer Pay Plan and Wildlife Resources Agency Pay Plan.

(a) From the appropriations made in Section 38, Items 7.33, 7.34, and 8.1, it is the legislative intent to provide funding for a salary increase for the survey portion of the commissioned officer pay plan in the Department of Safety and the Tennessee Law Enforcement Training Academy as referenced in Tennessee Code Annotated, Section 4-7-205, effective January 1, 2021.

(b) From the appropriations made in Section 1, Title III-20, Item 3 and Title III-11, Item 7, it is the legislative intent to provide funding to annualize the salary increase for the survey portion of the commissioned office pay plan appropriated in Section 38 of this act, and for a salary increase for the survey portion of the commissioned officer pay plan in the Department of Safety and the Tennessee Law Enforcement Training Academy as referenced in Tennessee Code Annotated, Section 4-7-205, effective July 1, 2021.

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(c) From the appropriations made in Section 1, Title III-6, Item 1, it is the legislative intent to provide funding to annualize the salary increase for the survey portion of the Tennessee Wildlife Resources Agency pay plan appropriated in Section 38 of this act, and to provide funding for a salary increase for the survey portion of the Tennessee Wildlife Resources Agency pay plan effective July 1, 2021.

SECTION 50. Education Lottery-Funded Programs.

Item 1. From the Lottery for Education Account, the After-School Programs Special Account, and other accounts and sub-accounts established pursuant to Tennessee Code Annotated, Title 4, Chapter 51, the Tennessee Education Lottery Implementation Law, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law and by Title 49, Chapter 4, Part 9, relative to higher education scholarships; Title 49, Chapter 6, Part 7, relative to after-school educational programs. The appropriation from these sources for after-school programs pursuant to Title 49, Chapter 6, Part 7, shall not exceed the balance available in the After-School Programs Special Account at June 30, 2021, and such balance hereby is appropriated for expenditure in the fiscal year beginning July 1, 2021; provided, that the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships. The availability of excess funds shall be determined by the Commissioner of Finance and Administration prior to the distribution of any excess funds. A copy of such determination shall be filed with the Chairs of the Education committees of the Senate and House of Representatives and the Office of Legislative Budget Analysis.

Item 2. It is hereby the legislative intent that the scholarship and grant levels enumerated below be reconciled to conform with this act and other Public Acts of this session and any other actions which affect the scholarship and grant levels for the various scholarship and grant programs.

(a) For students who first received the Tennessee HOPE scholarship, Tennessee HOPE access grant or Tennessee HOPE scholarship for nontraditional students beginning the fall semester of 2009 and no later than the summer semester of 2015, award amounts for the 2021-2022 academic year shall be:

(1) Up to \$2,000 per semester for an eligible student under the HOPE scholarship award or HOPE nontraditional scholarship award pursuant to Tennessee Code Annotated, Section 49-4-914(a), or the STEP UP scholarship award pursuant to Tennessee Code Annotated, Section 49-4-943;

(2) Up to \$1,500 per semester for an eligible student under the HOPE scholarship award pursuant to Tennessee Code Annotated, Section 49-4-914(c);

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(3) Up to \$750 per semester for an eligible student under the ASPIRE need-based supplemental award pursuant to Tennessee Code Annotated, Section 49-4-915;

(4) Up to \$500 per semester for an eligible student under the General Assembly Merit Scholar supplemental award pursuant to Tennessee Code Annotated, Section 49-4-916; and

(5) Pursuant to the provisions of Tennessee Code Annotated, Section 49-4-920, the award amount for an eligible student under the Tennessee HOPE access grant shall be up to \$1,375 per semester at four-year schools and up to \$875 per semester at two-year schools;

(b) For students who first received the Tennessee HOPE scholarship, Tennessee HOPE access grant or Tennessee HOPE scholarship for nontraditional students beginning the fall semester of 2015 or thereafter, award amounts for the 2021-2022 academic year shall be:

(1) Determined pursuant to Tennessee Code Annotated, Section 49-4-914 for an eligible student under the HOPE scholarship, HOPE nontraditional scholarship, and STEP UP scholarship;

(2) For an eligible student under the ASPIRE need-based supplemental award pursuant to Tennessee Code Annotated, Section 49-4-915:

(A) Up to \$750 per semester at four-year institutions;

(B) Up to \$250 per semester at two-year institutions;

(3) Up to \$500 per semester for an eligible student under the General Assembly Merit Scholar supplemental award pursuant to Tennessee Code Annotated, Section 49-4-916;

(4) For an eligible student under the Tennessee HOPE access grant pursuant to Tennessee Code Annotated, Section 49-4-920:

(A) Up to \$1,250 per semester at four-year institutions;

(B) Up to \$875 per semester at two-year institutions; and

(5) Determined pursuant to the provisions of Tennessee Code Annotated, Section 49-4-923 for an eligible student under the Tennessee Wilder-Naifeh reconnect grant.

(c) The award amount shall be up to \$2,000 for an eligible student under the Wilder-Naifeh Technical Skills Grant pursuant to Tennessee Code Annotated, Section 49-4-921;

(d) The award amount for an eligible student under the Tennessee HOPE foster child tuition grant shall be determined pursuant to Tennessee Code Annotated, Section 49-4-933;

(e) The award amount shall be up to \$1,000 per semester for enrollment in twelve (12) or more semester hours for an eligible student under the Helping Heroes Grant pursuant to Tennessee Code Annotated, Section 49-4-938; provided, however, that the total amount expended for Helping Heroes Grants shall not exceed \$750,000;

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(f) The award amounts for eligible students under the dual enrollment grant program pursuant to Tennessee Code Annotated, Section 49-4-930, shall be as follows:

(1) At eligible two-year and four-year postsecondary institutions, up to five hundred dollars (\$500) per course for the first and second courses attempted and up to two hundred dollars (\$200) for the third course attempted. There shall be no funding from the dual enrollment grant program for the fourth course attempted;

(2) At eligible postsecondary institutions, one hundred (\$100) per semester hour for fifth, sixth, seventh, eighth, ninth, and tenth courses attempted, and the equivalent clock hour for all courses attempted at a TCAT; and.

(3) At eligible postsecondary institutions, the award amount for the Governor's Investment in Vocational Education (GIVE) Act shall be determined pursuant to the provisions of Tennessee Code Annotated, Section 49-4-930(h).

(g) The award amount for an eligible student under the Tennessee Reconnect grant shall be determined pursuant to the provisions of Tennessee Code Annotated, Section 49-4-944; and

(h) The award for an eligible student under the Tennessee Middle College scholarship shall be determined pursuant to Tennessee Code Annotated, Section 49-4-909.

(i) The award amount for an eligible student under the Tennessee Promise scholarship shall be determined pursuant to the provisions of Tennessee Code Annotated, Section 49-4-708

Item 3. A sum sufficient, not to exceed the available balance in the Lottery for Education After-School Programs Grant Fund (LEAP Grant Fund), is appropriated from the fund for the purpose of awarding 3-year grants in accordance with the provisions of Tennessee Code Annotated, Title 49, Chapter 6, Part 7.

Item 4. A sum sufficient, not to exceed the available balance in the Energy Efficient Schools Council Fund, is appropriated from the fund for the purpose of the Energy Efficient Schools Initiative in accordance with the provisions of Tennessee Code Annotated, Title 49, Chapter 17.

Item 5. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$4,971,600 for the sole purpose of implementing Senate Bill 482 / House Bill 752, relative to dual enrollment, if such bill becomes a law.

Item 6. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$139,500 in fiscal year 2021-2022 for the sole purpose of implementing Senate Bill 9 I House Bill 542, relative to middle college scholarships, if such bill becomes a law.

Item 7. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$133,300 for the sole purpose of implementing Senate Bill 458 / House Bill 646, relative to financial aid for home school students, if such bill becomes a law.

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Item 8. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$30,300 for fiscal year 2021-2022 for the sole purpose of implementing Senate Bill 1173 / House Bill 1150, relative to extending eligibility for receipt of a Helping Heroes Grant (HHG) to certain veterans, if such bill becomes a law.

SECTION 51. Health-Care Safety Net – Provisions and Appropriations from Revenues and Reserves.

Item 1. The provisions of this item take effect upon becoming law, the public welfare requiring it.

(a) In the fiscal year ending June 30, 2021, the unexpended balances of health-care safety net appropriations, including Project Diabetes, in Chapter 651, Public Acts of 2020, Section 51, Item 1(a) and Section 1, Titles III-14, III-16, and III-21, may be carried forward and hereby are reappropriated for expenditure in the year beginning July 1, 2021, subject to approval of the Commissioner of Finance and Administration.

(b) From the health-care safety net reserves carried forward at June 30, 2021, the Commissioner of Finance and Administration is authorized to transfer funds between health-care safety net programs and to Strategic Tennessee Health-Care Programs.

Item 2. In addition to the appropriations elsewhere in this act, sums sufficient hereby are appropriated to the appropriate programs from the revenues and reserves of AccessTN, CoverRx, CoverKids, Project Diabetes, and health care safety net programs.

SECTION 52. Federal Homeland Security Grant Programs – Provisions.

Item 1. The departmental revenues appropriated in this act from federal Homeland Security grant programs are subject to the following provisions:

(a) The allotment of these funds is subject to approval of the Commissioner of Finance and Administration, and the distribution among state and local agencies shall be subject to approval of or under procedures of the state Homeland Security Council.

(b) The Commissioner of Finance and Administration is hereby authorized to reallocate appropriations within the affected state agencies and to reallocate homeland security appropriations among the affected agencies for the purpose of providing the required state match to these and other federal homeland security and bioterrorism grants; to adjust position authorizations among affected departments, offices, and programs for that purpose; and to adjust federal and other departmental revenue estimates accordingly. The commissioner shall file any such reallocations or adjustments with the Fiscal Review Committee and the Office of Legislative Budget Analysis.

Item 2. There are appropriated sums sufficient to the Department of Safety, Office of Homeland Security, from federal grant funds and to other agencies of state government receiving homeland security federal grant funds.

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Item 3. In the fiscal year ending June 30, 2021, the unexpended balance of the state appropriation to the Department of Safety in Chapter 651, Public Acts of 2020, Section 52, Item 3 and in Section 1, Title III-20, Item 4, may be reserved to be carried forward into the next fiscal year, and such amounts as may be carried forward hereby are appropriated. Said reserve is subject to the availability of revenue and to the approval of the Commissioner of Finance and Administration. The provisions of this item shall be effective immediately, the public welfare requiring it.

Item 4. In the fiscal year ending June 30, 2021, the unexpended balance of the state appropriation to the Miscellaneous Appropriations in Chapter 651, Public Acts of 2020, Section 52, Item 4 and Section 1, Title III-22, Item 6, may be reserved to be carried forward into the next fiscal year, and such amounts as may be carried forward hereby are appropriated. Said reserve is subject to the availability of revenue and to the approval of the Commissioner of Finance and Administration. The provisions of this item shall be effective immediately, the public welfare requiring it.

SECTION 53. Severance Benefit Plan. The provisions of this section take effect upon becoming a law, the public welfare requiring it. From the appropriations in Chapter 651, Public Acts of 2020, Section 36, Item 111, a sum sufficient is appropriated to fund a severance plan to be used in conjunction with the base budget personnel reductions required by this act. Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

The severance benefit plan shall consist of: (1) a base payment of \$3,200; and (2) college tuition assistance for 2 years, to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such tuition assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

Section 54. Voluntary Buyout Plan. The provisions of this section take effect upon becoming a law, the public welfare requiring it. From the appropriations in Chapter 760, Public Acts of 2020, Section 4, Item 2, and carried forward in Section 36, Item 125 of this act, a sum sufficient is appropriated to fund a voluntary buyout plan. Employees taking advantage of the buyout initiative shall receive a severance package. Benefits included in this buyout initiative plan may include, but not be limited to, the following: (1) a base payment plus an amount based on years of service and capped at an amount to be determined; (2) Extended health insurance benefits for a period of months to be determined, or a cash option to buy into COBRA health coverage, or a

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cash option equivalent to the extended health insurance benefit; and (3) College tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

The Commissioner of Finance and Administration shall submit a copy of the buyout initiative plan to the Speaker of the Senate, Speaker of the House of Representatives, and Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives.

SECTION 55. From the appropriations in Section 1, Title III-26 of this act, the following non-recurring amounts are appropriated to the TennCare Program.

Item 1.

(a) If Senate Bill No. ____ / House Bill No. ____, the annual coverage assessment act, becomes a law, there hereby is appropriated from the appropriations in Section 1, Title III-26, of this act, the sum of \$602,636,800 (nonrecurring) to the TennCare Program for the following purposes, and the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly; provided, however, that if the federal government disallows the coverage assessment as a valid source to match federal Medicaid funds, the appropriations in Section 1, Title III-26 shall be reduced accordingly. If the cited bill does not become a law, the appropriations in Section 1, Title III-26 of this act, are hereby reduced in the amount of \$602,636,800.

(b) There is further appropriated to the TennCare Program, in addition to the appropriation, Directed Hospital Payments, a sum sufficient from any amount in excess of \$602,636,800 collected from the coverage assessment for the purpose of hospital payments for unreimbursed costs.

(c) To the extent that revenue collected from the coverage assessment is less than \$602,636,800, the appropriation, Directed Hospital Payments, hereby is reduced in the amount of the under-collection.

(d) From the funds available in TennCare maintenance of coverage trust fund at June 30, 2021, there hereby is appropriated to the TennCare program a sum sufficient for the purposes authorized in law. The Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. The allotment of funds under this item is subject to approval of the Commissioner of Finance and Administration.

Item 2.

(a) If Senate Bill No. ____ / House Bill No. ____, the annual nursing home assessment fee, becomes a law, there is hereby appropriated from the appropriations in Section 1, Title III-26 of this act, the sum

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of \$134,605,900 (nonrecurring) to the TennCare Program for nursing home reimbursement. Further, the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. If the cited bill does not become law, the appropriations in Section 1, Title III-26 of this act, are hereby reduced in the amount of \$134,605,900.

(b) There is further appropriated to the TennCare Program, in addition to the appropriation for nursing home reimbursement, a sum sufficient from any amount in excess of \$134,605,900 collected from the coverage assessment for the purpose of nursing home reimbursement.

(c) From the funds available in TennCare nursing home assessment trust fund at June 30, 2021, there hereby is appropriated to the TennCare program a sum sufficient for the purposes authorized in law. The Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. The allotment of funds under this item is subject to approval of the Commissioner of Finance and Administration.

Item 3.

(a) If Senate Bill No. ____ / House Bill No. ____, the annual ambulance assessment fee, becomes a law, there is hereby appropriated from the appropriations in Section 1, Title III-26 of this act, the sum of \$10,690,200 (nonrecurring) to the TennCare Program for ambulance provider reimbursement. Further, the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. If the cited bill does not become law, the appropriations in Section 1, Title III-26 of this act, are hereby reduced in the amount of \$10,690,200.

(b) There is further appropriated to the TennCare Program, in addition to the appropriation for ambulance provider reimbursement, a sum sufficient from any amount in excess of \$10,690,200 collected from the coverage assessment for the purpose of ambulance provider reimbursement.

(c) From the funds available in TennCare ambulance assessment trust fund at June 30, 2021, there hereby is appropriated to the TennCare program a sum sufficient for the purposes authorized in law. The Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. The allotment of funds under this item is subject to approval of the Commissioner of Finance and Administration.

SECTION 56. Federal Program Reductions. The General Assembly recognizes that reductions in federal grants-in-aid of federal programs by the United States government will require extraordinary actions by the Commissioner of Finance and Administration to manage the state budget within available resources and without detrimental effect on state finances. It is the legislative intent that the reduced programs not be maintained at their former level by substituting state funds for the reduced federal aid.

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Item 1. Accordingly, the Commissioner of Finance and Administration shall reduce the federal and other departmental revenue estimates and reduce the allotment of funds in an amount equal to the revenue reductions, in accordance with Section 23, Item 1, it being the legislative intent that such withdrawal of federal aid necessitates a reduction of spending authorization in order to protect the state finances.

Item 2. The commissioner also shall reduce the number of authorized positions of each program affected by the federal aid reductions, to the extent positions were funded by the federal aid being reduced, and any employees terminated as a result of such action shall be provided severance benefits as provided in Section 53 of this act.

Item 3. State funds appropriated to match federal aid that has been reduced shall be set aside in an allotment reserve of the affected program and shall not be expended except to the extent necessary to provide for severance benefits and other actions necessary to reduce programs; provided, however, that the allotment of state funds shall be authorized to the extent necessary to fulfill state maintenance-of-effort (MOE) requirements under federal law. To the extent that state MOE requirements are reduced by the federal programs, state funds in the amount of the allowable MOE reduction also shall be reserved and not expended, except as provided above in this item. The provisions of this item shall not operate to require the reserving of state funds that have been appropriated in excess of the previous level of required state match or MOE in order to enhance the affected joint federal-state program.

Item 4. It is the legislative intent that the state matching funds held in allotment reserve as a result of these actions revert to the appropriate fund balance at June 30, 2022, in addition to the amounts estimated in the over-appropriation in Section 43 of this act, and that such funds as may be estimated at mid-year, when the 2022-2023 Budget is transmitted, be available for the Governor's budget recommendations for the maintenance of any priority program services, if approved in the 2022 appropriations bill enacted by the General Assembly.

Item 5. The Commissioner of Finance and Administration, by December 31, 2021, shall report to the Senate and House Finance, Ways and Means committees and the directors of the Office of Legislative Budget Analysis on the reductions made by department and by state program, including the amounts of federal and other departmental revenue and allotments reduced, the matching state appropriations held in reserve and not allotted, the number of positions reduced, and a general summary of the impact on program services. After the report date, the commissioner shall provide any updated information in a fiscal year-end report encompassing the same categories of information, if the program reductions have changed from the earlier report.

SECTION 57. Orderly Closing of Fiscal Year 2020-2021. The provisions of this section take effect upon becoming a law, the public welfare requiring

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it. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal year 2020-2021. Under the provisions of Tennessee Code Annotated, Section 4-3-1016, the Commissioner of Finance and Administration is authorized to deny carry forwards for and to transfer funds from the enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal year ending June 30, 2021, and for that purpose such funds hereby are appropriated to the general fund. The Commissioner of Finance and Administration shall report to the chairs of the Senate and House Finance, Ways and Means Committees, and the directors of the Office of Legislative Budget Analysis all such transfers and carry-forward denials by January 15, 2022. Such transfers and carry-forward denials shall be according to the following schedule, to the extent funds are available in the reserves and considering the interests of the programs, as determined by the Commissioner of Finance and Administration:

Item 1. From the reserves for unencumbered balance and capital outlay that are not permanent statutory reserves.

Item 2. From the statutory reserves enumerated in Tennessee Code Annotated, Section 4-3-1016.

Item 3. From the TennCare reserve.

Item 4. From the reserve for revenue fluctuations established by Tennessee Code Annotated, Section 9-4-211.

SECTION 58. The Tennessee Code Commission is requested to place an appropriate, permanent note following the codification of any public act which is codified and which has not received constitutionally required first year's funding through the provisions of this act.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non-Recurring
1. Agriculture — State Fair Grant — Increase	\$ 50,000	\$ 0
2. Agriculture - Farm to Pint Program	0	350,000
3. Agriculture - Dairy Industry - Grant	0	1,940,000
4. Attorney General - Legal Positions (5 FT)	700,000	0
5. Comptroller - Fraud Prosecution (3 FT)	450,000	0
6. Economic and Community Development - Rural Economic Opportunity Grants - Increase	0	3,000,000
7. Economic and Community Development - Historic Preservation Grant - Pilot	0	5,000,000
8. Economic and Community Development		

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- FastTrack Project - Additional Funding	0	10,000,000
9 Economic and Community Development		
- LaunchTN - SBIR Match Funding	0	3,000,000
10. Economic and Community Development		
- LaunchTN - Nashville Entrepreneur Center Twende Program - Grant	0	450,000
11. Education - Support for Instructional Material Review	241,500	0
12. Education - Summer Transportation Grants	0	18,500,000
13. Education - TN School for the Deaf and West TN School for the Deaf - Mentorship Program	0	400,000
14. Finance & Administration - Digital Services (1 FT)	100,000	30,000
15. General Services - Governor's Early Literacy Foundation - Increase	0	2,055,300
16. General Services - TN Serves	0	250,000
17. Health - Dental Care Support	0	214,000
18. Health - Sickle Cell Foundation - Grant	0	50,000
19. Higher Education - UT Southern - Salary Policy	130,000	0
20. Higher Education - GIVE Grants	0	15,000,000
21. Higher Education - SPARC Grants	0	10,000,000
22. Higher Education - Board of Regents - Mechatronics Program	0	1,000,000
23. Higher Education - Tennessee State University Foundation - Grant - Student Retention from Underserved Populations	0	2,000,000
24. Higher Education - Tennessee State University Agricultural Extension	2,000,000	0
25. Higher Education - University of Tennessee Agricultural Extension	2,190,000	0
26. Higher Education - Tennessee		

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Technological University - Cybersecurity/National Science Foundation - Grant	0	500,000
27. Higher Education - TCAT Staffing	8,000,000	0
28. Higher Education - TCAT Equipment	0	11,700,000
29. Higher Education - TCAT Renovation and Expansion	0	13,200,000
30. Higher Education - THEC - Graduate Medical Education Expansion	4,000,000	0
31. Higher Education - TSAC - Engineering Scholarship for Minority Students	0	1,000,000
32. Labor - Re-Entry Employment Initiative (2 FT)	200,000	60,000
33. Safety - Dynamic System Resiliency	0	18,000,000
34. Safety - Radio Replacement	0	17,672,000
35. Safety - Gun Safety Training Program	0	500,000
36. Safety - Homeland Security Positions (4 FT)	480,800	200,000
37. Safety - Human Resources Position (1 FT)	70,100	0
38. Secretary of State - Metro Libraries - Grants	1,500,000	1,500,000
39. State Museum - Artifact Protection and Relocation	0	1,150,000
40. TennCare - Outpatient Pharmacy - 340b Savings — Revise	12,985,700	0
41. Tourist Development — Marketing Project	0	2,500,000
42. Tourist Development — Memphis Tourism Grant — Southern Heritage Classic	0	100,000
43. Treasury — Electronic Monitoring Indigency Fund — General Fund Subsidy	0	2,550,000

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44. Miscellaneous Appropriations — Juvenile		
Justice Case Management System	1,500,000	0
45. Miscellaneous Appropriations — Van Buren County — Grant	0	200,000
46. Miscellaneous Appropriations — Henry County — Grant	0	200,000
47. Miscellaneous Appropriations — Blount County — Senior Center — Grant	0	300,000
48. Miscellaneous Appropriations — Fayette County — Courthouse Renovation — Grant	0	3,000,000
49. Miscellaneous Appropriations — The Sports Authority of the County of Knox and the City of Knoxville, Tennessee — Grant	0	13,500,000
50. Miscellaneous Appropriations — Music City Executive Airport — Grant	0	2,000,000
51. Miscellaneous Appropriations — Hermitage Foundation — Grant	0	2,000,000
52. Miscellaneous Appropriations — City of Memphis Youth Sports Complex — Grant	0	10,000,000
53. Miscellaneous Appropriations — City of Memphis Renovation of Levitt Shell — Grant	0	1,300,000
54. Miscellaneous Appropriations — Agape Child and Family Services — Grant	0	500,000
55. Miscellaneous Appropriations — Associated Builders and Contractors Great TN Chapter — Knox County CTE Center — Grant	0	1,000,000

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56. Miscellaneous Appropriations — Carroll		
Academy — Grant	0	600,000
57. Miscellaneous Appropriations — Center for		
Employment Opportunities — Grant	0	150,000
58. Miscellaneous Appropriations — City of		
Johnson City — Walnut Corridor Development — Grants	0	5,000,000
59. Miscellaneous Appropriations — Corner to		
Corner — Grant	0	500,000
60. Miscellaneous Appropriations — Delta Dental of TN / Smile 180 Foundation — Grant	0	500,000
61. Miscellaneous Appropriations — End Slavery TN — Grant	0	3,500,000
62. Miscellaneous Appropriations — Families		
Free — Grant	0	250,000
63. Miscellaneous Appropriations — Helen		
Ross McNabb Center — Grant	0	150,000
64. Miscellaneous Appropriations — Her Song		
— Tim Tebow Foundation — Grant	0	1,200,000
65. Miscellaneous Appropriations — Hope Smiles — Grant	0	800,000
66. Miscellaneous Appropriations — Human		
Coalition — Grant	0	3,000,000
67. Miscellaneous Appropriations — Lipscomb		
Life — Grant	0	121,100
68. Miscellaneous Appropriations — Men of		
Valor — Grant	0	499,500
69. Miscellaneous Appropriations —		

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Niswonger Foundation — Rural TN
STEM

Learning Design - Grant	0	200,000
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70. Miscellaneous Appropriations —
Niswonger Foundation — College and

Career Awareness Activities - Grant	0	700,000
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71. Miscellaneous Appropriations —
Renewal

House — Grant	0	1,000,000
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72. Miscellaneous Appropriations —
Teach for

America — Grant	0	1,000,000
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73. Miscellaneous Appropriations —
Science

Alliance — Grant	0	450,000
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74. Miscellaneous Appropriations — TN
Anti-

Slavery Alliance — Grant	0	600,000
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75. Miscellaneous Appropriations — TN
Association of Business Foundation —

Grant	0	400,000
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76. Miscellaneous Appropriations — TN

Builders Education Foundation — Grant	0	478,000
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77. Miscellaneous Appropriations — TN

Higher Education Initiative — Grant	0	250,000
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78. Miscellaneous Appropriations — TN

Wildlife Federation Inc. — Hunters for the
Hungry — Grant

0	150,000
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79. Miscellaneous Appropriations — The
Jason Foundation — Grant Year 1 of 3

0	305,000
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80. Miscellaneous Appropriations — The
Next

Door Inc. — Grant	0	400,000
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81. Miscellaneous Appropriations —
Thistle

Farms — Grant	0	100,000
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82. Miscellaneous Appropriations — TN

Achieves — Grant	0	500,000
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83. Miscellaneous Appropriations — University of Memphis Carnegie Designation — Grant	0	5,000,000
84. Miscellaneous Appropriations — YMCA of Memphis and the Mid-South — Grant	0	500,000
85. Miscellaneous Appropriations — YMCA of Middle Tennessee — Grant	0	500,000
86. Miscellaneous Appropriations — Wine and Grape Board — Grant	0	150,000
87. Miscellaneous Appropriations — Town of Jonesborough — Agriculture Education — Grant	0	300,000
88. Miscellaneous Appropriations — Gospel Music Association — Grant	0	1,000,000
89. Miscellaneous Appropriations — Boys and Girls Clubs of the Clinch Valley — Oak Ridge — Grant	0	225,000
90. Miscellaneous Appropriations — Psalm 139 Project — Grant	0	182,900
91. Miscellaneous Appropriations — Jonesborough Senior Center — Grant	0	50,000
92. Miscellaneous Appropriations — Isaiah 117 House — Grant	0	50,000
93. Miscellaneous Appropriations — Gray Community Chest — Grant	0	20,000
94. Miscellaneous Appropriations — Community Help Center of Northeast TN — Grant	0	20,000
95. Miscellaneous Appropriations — Flight		

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Foundation — Grant	0	40,000
96. Transportation — Transportation Equity		
Fund — HB 773 / SB 772 General Fund Subsidy	3,000,000	(3,000,000)
97. Transportation — Transfer from Aeronautics Economic Development Fund to Transportation Equity Fund — General Fund Subsidy	0	(10,000,000)
98. Transportation — Transfer from Aeronautics Economic Development Fund to Transportation Equity Fund — General Fund Subsidy	0	10,000,000
99. Agriculture — Transfer from Business Development to Administration and Grants	(5,750,000)	(5,000,000)
100. Agriculture — Transfer from Business Development to Administration and Grants	5,750,000	5,000,000
101 Environment and Conservation — Transfer from State Parks to State Parks Maintenance	0	(30,000,000)
102. Environment and Conservation — Transfer from State Parks to State Parks Maintenance	0	30,000,000
103. Economic and Community Development — Transfer from FastTrack to Community Development	0	(20,000,000)
104. Economic and Community Development — Transfer from FastTrack to Community Development	0	20,000,000
105. Finance & Administration — Division of Budget — Position Reconciliation (+1 FT, -		

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1 PT)	0	0
106. Agriculture — Position Reconciliation (+13		
FT, -13 Seasonal)	0	0
Total	\$ 37,598,100	\$ 205,712,800

The appropriation in this item to the Department of Economic and Community Development for Historic Preservation grants is for the sole purpose of providing funding for historical development grants to rehabilitate certified historic structures, such being determined by the General Assembly to be for a public purpose.

The appropriations in this item to Higher Education for GIVE grants, SPARC grants, TCAT Staffing, TCAT Equipment, and TCAT Renovation and Expansion shall be subject to the approval of the Commissioner of Finance and Administration of a plan specifying the proposed use of such funds and the benefits anticipated to be derived therefrom prior to the allotment of said funds to Higher Education.

The appropriation in this item to Miscellaneous Appropriations for a grant to Science Alliance of TN is for the sole purpose of making a grant in equal amounts to each of the Science Alliance Museums.

The appropriation in this item to Miscellaneous Appropriations for a grant to TN AntiSlavery Alliance is for the sole purpose of providing grants to two (2) single point of contact agencies in Tennessee recognized by the Tennessee Bureau of Investigation and the Department of Children’s Services to facilitate the provision of comprehensive wraparound services to victims of human trafficking recovered in Tennessee. The services funded in this item shall include, but not be limited to, safe housing, medical care, mental health and substance abuse care, transportation, job training, and other basic human needs. The grants shall be distributed in equal amounts to the following agencies: (a) Grow Free Tennessee in Knoxville, and (b) Restore Corps in Memphis.

The appropriation in this item to Miscellaneous Appropriations for a grant to Families Free is for the sole purpose of providing services to mothers and children affected by neonatal abstinence syndrome.

The appropriation in this item to the Department of General Services for the Governor’s Early Literacy Foundation is for the sole purpose of supporting the foundation’s K-3 Summer Reading Initiative with a primary focus in fiscal year 2021-2022 on rising first grade students.

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues.

Recurring	Non-Recurring
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1. Environment and Conservation — Abandoned Mine Lands — Federal Funds (2 FT)	\$ 187,200	\$ 0
2. Environment and Conservation — Coal Combustion Residual Program — Federal Funds (2 FT)	210,900	0
3. Revenue — New Design — Vehicle License Plates		0
4. Transportation — New Design — Vehicle License Plates (Highway Funds transfer to General Fund)	0	(15,375,000)
Total	\$ 398,100	\$0

SECTION 59. Legislation. In addition to the appropriations in Sections 1 and 4 of this act, the following amounts hereby are appropriated for the purpose of implementing the cited bills, and such additional or lesser amounts indicated in the final fiscal note on the bills as enacted are hereby appropriated. The Commissioner of Finance and Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly. Federal and other departmental revenue adjustments may be made in reconciliation to said fiscal notes and to available federal aid and other departmental revenue. Adjustments to the number of authorized positions indicated in the line items as full-time (FT), part-time (PT), and seasonal shall be reconciled to the fiscal notes. The negative amounts in line-items of this section are appropriation reductions, and the positive amounts are appropriation increases. The appropriation in each item of this section is subject to the bill cited in that item becoming a law, except as otherwise provided.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non-Recurring
1. PC 2 (2021 Extraordinary Session) SB 7001 / HB 7003 — Education — Fiscal Note Reconciliation	\$ 0	\$ (2,500,000)

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2. PC 3 (2021 Extraordinary Session) SB 7003 / HB 7002 — Education — Fiscal Note		
Reconciliation	0	(464,800)
3. SB 768 / HB 785 — Board of Parole — Re- entry Success Act — Fiscal Note		
Reconciliation (1 FT)	60,700	(17,600)
4. SB 723 / HB 62 — Children's Services — Modernizing Contact Veto — Fiscal Note		
Reconciliation	(700)	0
5. SB 765 / HB 786 — Correction — Incarceration — Constitutional Carry — Fiscal Note Reconciliation		
	(5,427,400)	0
6. SB 768 / HB 785 — Correction — Re- entry Success Act — Fiscal Note Reconciliation (45 FT)		
	(3,424,600)	(2,460,400)
7. SB 768 / HB 785 — Correction — Re- entry Success Act — Incarceration — Fiscal Note		
Reconciliation	(1,760,400)	0
8. SB 767 / HB 784 — Correction — Community Corrections — Fiscal Note Reconciliation		
	9,000,000	0
9. SB 774 / HB 777 — Education — LEA Hold Harmless — Fiscal Note Reconciliation		
	0	8,906,000
10. SB 737 / HB 74 — Education — TN Public Charter School Commission — Fiscal Note		
Reconciliation (5 FT)	817,700	0
11. SB 742 / HB 90 — Environment and Conservation — Mining Primacy Act — Fiscal Note Reconciliation (7 FT)		
	0	(871,000)

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12. SB 751 / HB 142 — Human Services

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Families First Community Advisory Board	10,100	200,000
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13. SB 752 / HB 771 — Labor — TN Registered

Apprenticeship Program (2 FT)	138,600	2,400
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14. SB 768 / HB 785 — Safety — Re-entry Success Act — Driver License Payment

Plan Fee — Fiscal Note Reconciliation	(500,000)	0
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15. SB 726 / HB 767 — Secretary of State

—

Insurance Modernization Act — Fiscal Note

Reconciliation (2 FT)	165,400	50,000
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16. SB 778 / HB 772 — Miscellaneous (1,096,400) 0

Appropriations — Volunteer Firefighting Training — Fiscal Note Reconciliation

17. SB 758 / HB 86 — Miscellaneous

Appropriations — Vehicle Title and Registration — Fiscal Note Reconciliation	(249,300)	0
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18. SJR 2 — Miscellaneous

Appropriations —

Constitutional Amendment — Right to Work

— Fiscal Note Reconciliation	0	(10,000)
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19. SB 129 / HB 55 — Correction —

Incarceration — Spencer Bristol Act	38,300	0
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20. SB 102 / HB 119 — Tennessee Bureau of

Investigation — Silver Alert (2 FT)	115,500	0
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21. SB 1151/ HB 1010 — Treasury — Captive

Insurance	0	17,000,000
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22. SB 677 / HB 598 — TN Child Care Task

Force	4,300	82,200
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23. SB 909 / HB 1154 — Budget

Implementation — General Law Changes

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Estimated @ \$0	0	
Total	\$ (2,108,200)	\$ 19,916,800

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues.

	Recurring	Non-Recurring
1. PC 1 (2021 Extraordinary Session) SB 7002 / HB 7004 — Education — Fiscal Note Reconciliation (Lottery Funding)	0	\$ (5,496,500)
2. SB 770 / HB 781 — Commerce and Insurance Regulatory Boards — Fiscal Note Reconciliation	(10,600)	0
3. SB 722 / HB 139 — Higher Education — Foster Care Child Tuition Grant Act (Lottery Funding)	27,700	0
4. SB 764 / HB 94 — Labor and Workforce Development — Workers' Compensation Subsequent Injury and Vocational Recovery Fund	1,000	0
5. SB 123 / HB 181 — TennCare — Hospital Assessment — Fiscal Note Reconciliation (Assessment Revenue)	0	(2,184,300)
6. SB 123 / HB 181 — TennCare — Hospital Assessment — Fiscal Note Reconciliation (Maintenance of Coverage Trust Fund)	0	8,849,100
Total	\$ 18,100	\$ 1,168,300

SECTION 60. Base and Cost Increase Reductions. The appropriations in Section 1 of this act, except as otherwise provided herein, hereby are reduced in the following amounts for the purpose of deleting base and cost increase appropriations and positions that had been recommended in the 2021-2022 Budget Document, and the Commissioner of Finance and Administration is authorized to allocate the appropriation reductions to the appropriate

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organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly.

Item 1. The appropriation in Section 1, Title 111-9, Item 2.1c, Basic Education Program, is hereby reduced by \$20,000,000 non-recurring.

Item 2. The appropriation in Section 1, Title 111-9, Item 2.1 c, Basic Education Program, is hereby reduced by \$8,906,000 non-recurring.

Item 3. The appropriation in Section 1, Title 111-22, Item 11.1, Administration Amendment, hereby is reduced in the amount of \$32,500,000, with \$12,500,000 being recurring and \$20,000,000 being non-recurring.

Item 4. The appropriation in Section 1, Title 111-22, Item 10.25, COVID-19 Response, hereby is reduced in the amount of \$150,000,000 non-recurring.

SECTION 61. Other 2020-2021 Supplemental Appropriations. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. There is hereby appropriated the following amounts, which shall be in addition to the appropriations provided under Chapters 651 and 760, Public Acts of 2020, and in Section 38 of this act.

Item 1. To the Legislature, the amount of \$141,000 for costs of the first extraordinary session of the 112th General Assembly.

Item 2. To the Department of Agriculture, the amount of \$300,000 for the Wine and Grape Board.

Item 3. To the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance, the amount of \$45,000,000 for FastTrack projects.

Item 4. To the Department of Education, the amount of \$18,500,000 for summer transportation grants.

Item 5. To Miscellaneous Appropriations, the amount of \$1,000,000 for the 225th anniversary of Tennessee Statehood.

SECTION 62. Capital Outlay Additional Provisions. The following provisions are in addition to other provisions of this act concerning the capital outlay budget and the facilities revolving fund capital outlay budget.

Item 1. In addition to the capital outlay projects listed on pages A-134 through A-135 of the 2021-2022 Budget Document and in Section 1, Title 111-32 of this act, the following hereby are funded.

(a) Department of Environment and Conservation - Pickwick Landing State Park Dock and Fishing Pier, in the amount of \$200,000 from other funding.

(b) Department of Environment and Conservation - Statewide Electric Vehicle Charging Stations, in the amount of \$2,240,000 from other funding.

(c) Department of Veterans Services - West TN State Veterans Cemetery Parking & Site Improvements, in the amount of \$84,000. Further, an amount of \$84,000 is hereby reduced from federal funding.

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(d) Tennessee Board of Regents - Roane State Community College - Cumberland County Science Lab, in the amount of \$1,700,000. Further, an amount of \$350,000 is hereby appropriated from other funding.

(e) Tennessee Board of Regents - Roane State Community College - Knox Campus Planning Funds, in the amount of \$1,000,000.

(f) Tennessee Board of Regents - Tennessee Colleges of Applied Technology - Statewide TCAT Facilities Revitalization and Capacity Initiative, in the amount of \$12,280,000.

Item 2. Of the Facilities Revolving Fund capital maintenance projects listed on pages A-160 through A-162 of the 2021-2022 Budget Document and in Section 1, Title 111-29 of this act, the following hereby are reduced.

(a) Rachel Jackson First Floor Renovations, in the amount of \$910,000.

Item 3. In addition to the capital maintenance projects listed on pages A-136 through A-138 of the 2021-2022 Budget Document and in Section 1, Title 111-32 of this act, the following hereby are funded. Positive amounts are additional appropriations and negative amounts are reductions. Further, other revenue is from the higher education capital maintenance pool of funds.

	Appropriation	Other Revenue
1. Tennessee Board of Regents — TCAT Mechanical, Electrical, and Plumbing	\$ 2,360,000	\$ 0
2. Tennessee Board of Regents — TCAT Hohenwald Sewer Line Replacement	220,000	0
3. Tennessee Board of Regents — TCAT McKenzie Masonry Building Structure Repair	200,000	0
4. Tennessee Board of Regents — TCAT Maintenance Repairs Phase 3	1,320,000	0
5. Tennessee Board of Regents — TCAT Parking and Paving Updates Phase 3	620,000	0
6. Tennessee Board of Regents — TCAT Hartsville Wilson County Safety and Security Updates	250,000	0
7. Tennessee Board of Regents — TCAT Mechanical, Electrical, and Plumbing Updates Phase 5	1,020,000	0
8. Tennessee Board of Regents — TCAT Mechanical Updates D	490,000	0
9. Tennessee Board of Regents — TCAT		

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Parking and Paving Updates C	260,000	0
10. Tennessee Board of Regents — TCAT		
Pulaski Window Replacements	50,000	0
11. Tennessee Board of Regents — TCAT		
Crump Building 2 Welding Technology Renovation	290,000	0
12. Tennessee Board of Regents — TCAT		
Parking and Paving Updates D	490,000	0
13. Tennessee Board of Regents — TCAT		
Maintenance Updates C	660,000	0
14. Tennessee Board of Regents — TCAT		
Knoxville Interior Upgrades	250,000	0
15. Tennessee Board of Regents — TCAT		
Hartsville Safety and Security Updates	200,000	0
16. Tennessee Board of Regents — TCAT		
Elizabethton Arney Street Bldg #2 Infrastructure and Exterior Updates	110,000	0
17. Tennessee Board of Regents — TCAT		
Paris Fan Coil Unit Replacements	130,000	0
18. Tennessee Board of Regents — TCAT		
Knoxville Shop Flooding Repairs	10,000	0
19. Tennessee Board of Regents — TCAT		
Morristown Restroom Renovations	270,000	0
Total	\$ 9,200,000	\$ 0

Item 4. The appropriation for the capital maintenance project identified on pages A138 and A-154 of the 2021-2022 Budget Document as "UTC Multiple Buildings Roof Replacements" hereby shall be provided for replacement of roofs at multiple buildings including associated parapet and masonry repairs and all related work.

Item 5. The appropriation for the capital maintenance project identified on pages A138 and A-154 of the 2021-2022 Budget Document

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as "UTC Multiple Buildings Envelope Repairs Phase 1" hereby shall be provided for masonry repair, windows, exterior doors, exterior store front systems, and roof system replacements for the Fine Arts Center, Founders Hall, Grote Hall, Jones Observatory, and all related work.

SECTION 63.

Item 1. From the funds appropriated or available to any department, commission, board, agency, or other entity of state government, there is earmarked or appropriated, as applicable, a sum sufficient to fund any bill or resolution that becomes law, having an estimated first year's cost of \$50,000 or less, that is attributable to a specific entity or from a specific fund, and is not otherwise funded in this act.

Item 2. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of funding any joint resolution calling for an amendment to the Tennessee Constitution that is not otherwise funded in this act.

Item 3. The appropriation in Section 1, Title 111-22, Item 10.23, Miscellaneous Appropriations, Local Infrastructure Grant Program, hereby is reduced by the nonrecurring sum of \$100,000,000.

Item 4. Of the appropriation in Section 1, Title 111-4, Item 1 to the Department of Tourist Development for marketing initiatives, and identified on Page B-309 of the 2021-2022 Budget Document as a cost increase of \$8,000,000, the recurring sum of \$5,500,000 is hereby designated as a nonrecurring appropriation such that the entire \$8,000,000 cost-increase described on Page B-309 shall be nonrecurring.

Item 5. Of the appropriation made in Section 1, Title 111-9, Item 1.1, to the Department of Education for the Charter Schools Facility Fund, and identified on Page B-89 of the 2021- 2022 Budget Document, the recurring sum of \$6,000,000 is hereby designated as a nonrecurring appropriation such that \$18,000,000 of the \$24,000,000 cost-increase described on Page B-89 shall be nonrecurring and \$6,000,000 of such cost increase shall be recurring.

Item 6. The appropriation made in Section 1, Title 111-32, Item 23, to the Facilities Revolving Fund, and identified on Page A-161 of the 2021-2022 Budget Document for purposes of the 2022 Office Space Reduction Plan, hereby is reduced by the sum of \$25,000,000, and the 2022 Office Space Reduction Plan shall be funded instead by reserves in the Facilities Revolving Fund.

Item 7. The appropriation made in this act to the Department of Economic and Community Development for broadband initiatives, and identified on Page B-309 of the 2021- 2022 Budget Document, is hereby reduced by the nonrecurring sum of \$100,000,000.

Item 8. From the appropriation made in this act of the unexpended balance of the reserves available to the Department of Revenue for the Tennessee Revenue Registration and Reporting System (TR3 system),

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the nonrecurring sum of \$4,600,000 hereby shall revert to the general fund at June 30, 2021.

Item 9. The appropriation made in this act for the TPAC Annual Maintenance Grant identified on Page A-148 of the 2021-2022 Budget Document in the sum of \$300,000, hereby is reduced by the sum of \$63,820.

Item 10. From the unexpended balance of the appropriations made to the Health and Safety Emergency Contingency Fund in Section 56, Item 1-7 and Section 59, Item 1, of Chapters 651 and 760, Public Acts of 2020, the nonrecurring sum of \$15,000,000 hereby shall revert to the general fund at June 30, 2021.

Item 11. From the unexpended balance of the appropriation made in Section 4, Item 2 of Chapter 760, Public Acts of 2020, for a voluntary employee buyout program, the sum of \$30,000,000 (nonrecurring) hereby shall revert to the general fund at June 30, 2021.

Item 12. From the funds appropriated to the Tennessee Promise Scholarship Special Reserve Account, there is earmarked the sum of \$14,300 for the sole purpose of implementing Senate Bill 458 / House Bill 646, relative to financial aid for home school students, if such bill becomes a law.

Item 13. From the funds transferred to the Tennessee Higher Education Commission (THEC) in Section 61, Item 13, in Chapter 405 of the Public Acts of 2019, for the sole purpose of workbased learning, there is earmarked the sum of \$1,000,000 (nonrecurring) for the sole purpose of implementing House Bill 6 / Senate Bill 229, relative to a four-year pilot program to award completion grants for Tennessee Promise scholarship students, if such bill becomes a law.

Item 14. From the existing fund dedicated for the STRONG Act, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 755 / House Bill 83, relative to extended eligibility for tuition reimbursement provided to members of the Tennessee National Guard under the STRONG Act of 2017.

Item 15. From funds available to the Tennessee Education Lottery Corporation Sports Wagering Advisory Council, there is transferred and appropriated to the Sports Wagering Advisory Council, a sum sufficient for the sole purpose of implementing Senate Bill 588 / House Bill 1267, relative to the duties of the sports wagering advisory council, if such bill becomes a law. This item takes effect upon becoming a law, the public welfare requiring it.

Item 16. From the funds appropriated to the Tennessee Board of Regents for TCAT facilities in Section 62, Item 1 (f), there is earmarked the sum of \$2,000,000 (nonrecurring) to be used for a vocational trade school in Hamilton County.

Item 17. From the funds appropriated to the Tennessee Board of Regents for TCAT facilities in Section 62, Item 1 (f), there is earmarked

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the sum of \$1,000,000 (nonrecurring) to be used for acquisition of land next to the TCAT Morristown campus for potential future expansion.

Item 18. From reserves and funds available to the Tennessee Public Utility Commission (TPUC), there is earmarked the sum of \$91,800 for the sole purpose of implementing Senate Bill 242 / House Bill 1044, relative to adding two commissioners to the TPUC, if such bill becomes a law.

Item 19. From federal funds available to the Department of Education, there is earmarked the sum of \$3,000,000 (nonrecurring) for the sole purpose of contracting for the establishment of a state-wide student attendance recovery program for at-risk students and provide multi-modal outreach and academic coaching support.

Item 20. From funds available in the Opioid Abatement Fund, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 558 / House Bill 1132, relative to the opioid crisis, if such bill becomes a law.

Item 21. From the funds appropriated to the Tennessee Higher Education Commission in Chapter 405 of the Public Acts of 2019, Section 61, Item 17, there is appropriated the unexpended balance of such recurring appropriation to the Tennessee Higher Education Commission to be used for the purposes of this item. The previously appropriated funds shall be for the sole purpose of making grants to The Washington Center for Internships and Academic Seminars, in Washington, D.C. for the University of Tennessee system and the six (6) locally governed state universities, to be used for scholarships for students from the University of Tennessee, Knoxville; the University of Tennessee at Martin; and the University of Tennessee at Chattanooga; and such state universities to participate in the internship program provided by The Washington Center for Internships and Academic Seminars. The Washington Center shall decide on the scholarship level and a plan for distributing the scholarships. The Washington Center shall invoice THEC three times a year for scholarship dollars based on the number of students who are participating in the internship program in each of its three terms. The Washington Center shall submit a written report by August 1, 2022, and by August 1 of each year thereafter, that shows where the state money was used to provide the educational opportunities for the students.

Item 22. From the funds appropriated to the Department of Economic and Community Development in Section 58, Item 1, line item 7, for Historic Preservation Grants, there is earmarked the sum of \$200,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to The Friends of the Bonnie Kate, Inc., to be used for restoration and operation of the historic theater and the creation of a cultural arts center and arts business incubator.

Item 23. From federal funds available to the Department of Education, there is earmarked the sum of \$1,000,000 (nonrecurring)

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for the sole purpose of making a grant to Teach for America, to be used exclusively to recruit and train highly effective new educators in Tennessee.

Item 24. Funds appropriated in Section 64, Item 4, to implement House Bill 419 / Senate Bill 319, relative to TennCare coverage of chiropractic treatment, are reduced by the sum of \$525,400 (nonrecurring).

Item 25. Funds appropriated in Section 64, Item 11, to implement House Bill 1130 / Senate Bill 868, relative to a statewide chancery court, are reduced by the sum of \$247,200 (nonrecurring).

Item 26. Funds appropriated in Section 64, Item 16, to implement House Bill 1401 / Senate Bill 1400, relative to members of the general assembly, are reduced by the sum of \$438,400 (nonrecurring).

Item 27. The Tennessee Alcoholic Beverage Commission is authorized to allocate funds appropriated in this act to fund six (6) additional agent positions. Such positions are authorized to be established.

Item 28. The appropriation made in Section 58, Item 1, line item 72, Miscellaneous Appropriations, Teach for America, hereby is reduced by the nonrecurring sum of \$1,000,000.

Item 29. The appropriation made in Section 58, Item 1, line item 88, to the Tennessee Higher Education Commission, Gospel Music Association, hereby is reduced by the nonrecurring sum of \$1,000,000.

Item 30. The appropriation made in Section 58, Item 1, line item 87, Miscellaneous Appropriations - Town of Jonesborough - Agriculture Education - Grant, hereby is reduced by the nonrecurring sum of \$300,000.

Item 31. The appropriation made in Section 58, Item 1, line item 3, Agriculture - Dairy Industry - Grant, hereby is reduced by the nonrecurring sum of \$1,940,000.

Item 32. The appropriation made in this act to the Tennessee Student Assistance Corporation for TSAA awards, and identified on Page B-91 of the 2021-2022 Budget Document, hereby is reduced by the recurring sum of \$4,000,000. Such reduction is for the purpose of reducing the cost increase for TSAA awards.

Item 33. The appropriation made in Section 1, Title 111-22, Item 11.2, Legislative Initiatives, is hereby reduced by \$18,000,000, with \$3,000,000 being recurring and \$15,000,000 being nonrecurring.

SECTION 64.

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to implement all bills and resolutions having an estimated first year's cost of \$50,000 or less which become law. It is the legislative intent that if such bills and resolutions are otherwise funded by the provisions of this act, then the funds appropriated in this item shall be reduced accordingly.

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Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$38,945,800 (recurring) for the sole purpose of implementing House Bill 130 / Senate Bill 114, relative to increasing the hourly wage of direct care staff employed at the contracted agencies of the Department of Intellectual and Developmental Disabilities for the home and community-based waiver programs for individuals with intellectual and developmental disabilities to \$12.50 per hour, if such bill becomes a law. It is the legislative intent that the funds appropriated in this item supplement the hourly rate increase from \$10.00 to \$10.50 per hour described on Page B-145 of the 2021-2022 Budget Document and be matched to the extent possible by federal funds.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$24,790,400 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 1047 / Senate Bill 717, relative to requiring persons committing certain offenses to serve one hundred percent (100%) of the sentence, if such bill becomes a law.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,050,700 (recurring) for the sole purpose of implementing Senate Bill 319 / House Bill 419, relative to TennCare coverage of chiropractic treatment, if such bill becomes a law.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$89,900 (recurring) for the sole purpose of implementing Senate Bill 449 / House Bill 713, relative to allocation of per pupil funding to out-of-state residential mental health facilities, if such bill becomes a law.

Item 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$137,700 (nonrecurring) for the sole purpose of implementing Senate Bill 551 / House Bill 761, relative to a year-long sales tax holiday for gun safes, if such bill becomes a law.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$52,300 (which shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 1373 / House Bill 1433, relative to the offense of reckless endangerment by discharging a firearm within a motor vehicle, if such bill becomes a law.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$211,400 (recurring) for the sole purpose of implementing Senate Bill 1530 / House Bill 417, relative to severe child abuse resulting from knowing exposure of a child to certain controlled substances, if such bill becomes a law.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of

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implementing Senate Bill 1281 / House Bill 948, relative to certificates of need, if such bill becomes a law.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,391,400 (of which \$3,767,500 is recurring) for the sole purpose of implementing Senate Bill 1617 / House Bill 1398, relative to pharmacy benefits, if such bill becomes a law.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (recurring) for the sole purpose of implementing Senate Bill 868 / House Bill 1130, relative to a statewide chancery court, if such bill becomes a law.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 897 / House Bill 496, relative to the reallocation of state and local tax revenue for certain premier type tourist resort municipalities, if such bill becomes a law.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$250,000 (nonrecurring) for the sole purpose of implementing Senate Bill 1402 / House Bill 1039, relative to unemployment benefits, if such bill becomes a law.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$84,600 (which shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 628 / House Bill 430, relative to sentencing for certain sexual offenses, if such bill becomes a law.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,500,000 (recurring) (of which \$4,000,000 is earmarked from the appropriation made in Section 58, Item 1, line item 30, to the Tennessee Higher Education Commission for Graduate Medical Education Expansion) for the sole purpose of implementing Senate Bill 298 / House Bill 443, relative to establishing medical residency opportunities, if such bill becomes a law. It is the legislative intent that the funds appropriated in this item be matched to the extent possible by federal funds.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$438,400 (recurring) for the sole purpose of implementing Senate Bill 1400 / House Bill 1401, relative to members of the general assembly, if such bill becomes a law.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$302,700 (of which \$288,800 is recurring) for the sole purpose of implementing Senate Bill 118 / House Bill 490, relative to the Tennessee Medical Cannabis Commission, if such bill becomes a law.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$113,700 (of

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which \$111,500 is recurring) for the sole purpose of implementing Senate Bill 1521 / House Bill 1246, relative to the Students' Right to Know Act, if such bill becomes a law.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,250,000 (nonrecurring) for the sole purpose of implementing Senate Bill 122 / House Bill 1501, relative to the School Turnaround Pilot Program Act, if such bill becomes a law.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$750,000 (nonrecurring) to Austin Peay State University for the sole purpose of development and implementation costs of the Institute for National Security and Military Studies.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$320,000 (nonrecurring) to the Department of Children's Services for the sole purpose of making grants on a competitive basis to each of the Child Advocacy Centers in Tennessee.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$400,000 (nonrecurring) to the Commission on Aging and Disability for the sole purpose of making grants on a competitive basis to senior centers across the state.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Big Brothers Big Sisters of Middle Tennessee, to be used for pro rata distributions, based on the number of children served, to each Big Brothers Big Sisters Agency that is part of the Big Brothers Big Sisters Tennessee Alliance, for programs and services for young people.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Prevention Alliance of Tennessee (PAT), to be used for its high school youth coalition programs in Tennessee. Such funds shall be divided equally among the programs.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Mayme Carmichael School Organization, Inc., to be used to establish the Tri-County African American Cultural History Museum in Oliver Springs, Tennessee.

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Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant to the metropolitan government of Moore County, Tennessee to be used for nonrecurring expenses.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant to the metropolitan government of Trousdale County, Tennessee to be used for nonrecurring expenses.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$12,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the ElbridgeCloverdale Community Center, Inc., to be used for construction of a helicopter landing pad with GPS and automated lighting controls for a medical helicopter to serve the southern region of Obion County.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Sullivan County Emergency Management Services, to be used for equipment, furniture, and supplies for the EMS Training Facility in Kingsport, Tennessee.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (nonrecurring) to the Department of Economic and Community Development for the sole purpose of making a grant in such amount to the National Organization of Black Elected Legislative Women, to be used exclusively for the hosting of a legislative retreat in Tennessee.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Weather Radar Foundation of the Tennessee Valley, to be used exclusively for infrastructure improvements.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$203,900 (recurring) to the Department of Economic and Community Development for the sole purpose of providing funding for the state's nine (9) development districts.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,250,000 (nonrecurring) to the East Tennessee State University (ETSU) Board of Trustees for the sole purpose of addressing planning costs for the demolishing of old infrastructure for the Academic Classroom Building at ETSU and constructing a new academic classroom facility at that location.

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Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,000,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee State University Foundation, to be used to create need-based scholarships for TSU students who have a debt balance with the university and are likely to be disenrolled as a result.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (nonrecurring) to the Administrative Office of the Courts for additional court resources and operational expenses for the Blount County Veterans Treatment Court.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (nonrecurring) to the Department of Health for the sole purpose of making a grant in such amount to Methodist Healthcare - Memphis Hospitals, to be used for the Nurse Family Partnership Program through Le Bonheur Children's Hospital to expand the program of evidence-based home visiting in support of first-time mothers and their babies.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$754,800 (\$492,000 recurring and \$262,800 nonrecurring) to the Department of Safety for the sole purpose of funding six (6) additional trooper positions in the executive protection unit.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$711,360 (\$448,560 recurring and \$262,800 nonrecurring) to the Department of Safety for the sole purpose of funding six (6) additional state trooper positions.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$40,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the municipal government of the Town of Spencer, Tennessee, to be used for restoring the loss of revenue from occupancy tax due to Fall Creek Falls Inn construction.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (nonrecurring) to the Department of Economic and Community Development to host the 2021 Southern Legislative Conference (SLC) Annual Meeting in Nashville, Tennessee.

Item 41. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to High Hopes, Inc.,

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to be used exclusively for operating and programming needs for the inclusive preschool and therapeutic clinic.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$87,000 (recurring) to the State Board of Education for the sole purpose of providing the salary and benefit costs for a communications and constituent services coordinator position. Such position is authorized to be established.

Item 43. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$88,000 (recurring) to the Commission on Children and Youth for the sole purpose of making a grant in such amount to Tennessee Court Appointed Special Advocate Association, Inc., to be used for the expansion of program support and services to four (4) unserved counties in this state.

Item 44. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Save the Children Federation, Inc., to be used for after-school and in-home literacy programs in this state.

Item 45. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$42,400,000 (nonrecurring) to the Tennessee Board of Regents for the sole purpose of acquisition of sites and existing structures for expansion purposes for the TCA T - Shelbyville.

Item 46. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (nonrecurring) to the Department of Tourist Development for the sole purpose of establishing a pilot program to make grants to improve and maintain access to Tennessee's waterways.

Item 47. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (nonrecurring) to the University of Tennessee Institute for Public Service (IPS) Law Enforcement Innovation Center (LEIC) for the sole purpose of funding the DARRT Initiative that will deliver training courses to the LEAs located in fifteen (15) distressed counties, twenty-nine (29) at-risk counties, and other underserved counties.

Item 48. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,000,000 (nonrecurring) to the Department of Health for the health care safety net fund.

Item 49. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$63,820 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant to the Tennessee Performing Arts Center (TPAC) for offsetting costs associated with the three (3) joint conventions held in 2021.

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Item 50. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,000,000 (nonrecurring) to the Department of Economic and Community Development for the sole purpose of the SBIR/STTR Matching Fund Grants Program administered through Launch Tennessee.

Item 51. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (recurring) to the Department of Children's Services for the sole purpose of funding two (2) additional Safe Baby Courts in Tennessee.

Item 52. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$560,000 (nonrecurring) to the Department of Agriculture for the sole purpose of making a grant in such amount to Tennessee Association of Fairs, Incorporated, to be used for provided grants in equal amounts to each county and regional agricultural fair in this state to be used for operational expenses, programs, and services.

Item 53. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (nonrecurring) to the Department of Environment and Conservation for the sole purpose of establishing a virtual tour of Devilstop Hollow Cave for the Justin P. Wilson Cumberland Trail State Scenic Trail State Park.

Item 54. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (nonrecurring) to the University of Tennessee for the sole purpose of establishing a Veterans Park and the demolition of aging dormitories at the University of Tennessee - Martin.

Item 55. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$360,000 (nonrecurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to McNairy County government, to be used for the agricultural event center.

Item 56. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000,000 (nonrecurring) to the Department of Treasury for the sole purpose of making a lump sum payment to the state's Legacy Pension Plan, as defined in Tennessee Code Annotated § 9-4-1101, for state employees, as defined in Tennessee Code Annotated § 9-4-1101.

Item 57. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,500,000 (nonrecurring) to Department of Agriculture for the sole purpose of directing a study in animal cancers and dermatological disorders in partnership with the state universities with agriculture and veterinary medicine programs and Provectus Biopharmaceuticals.

Item 58. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient (which

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shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 513 / Senate Bill 843, relative to certain obstruction of a highway offenses, if such bill becomes a law.

SECTION 65.

Each state agency that approves a grant agreement or contract for an agency of local government or a third-party nonprofit organization to receive grant funds appropriated by Section 64, Items 21-22 of this act shall provide a quarterly report to the Chairs of the Finance, Ways and Means Committees of the Senate and the House of Representatives identifying the name and location of each grant recipient, the amount of the grant, and the purpose for which the funds are used. Each state agency must develop guidelines for application, award, and distribution of the funds appropriated by Section 64, Items 21-22 of this act and award such grants on a competitive basis with appropriate criteria for such competition to be established by the agency.

An application may be accompanied by a recommendation letter from a state legislator representing the district in which the local government or organization is located.

SECTION 66. The Tennessee Code Commission is requested to place an appropriate, permanent note following the codification of any public act which is codified and which has not received constitutionally required first year's funding through the provisions of this act.

SECTION 67. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 68. This act takes effect July 1, 2021, the public welfare requiring it; provided, however, that any provision of this act which authorizes prior or immediate expenditures and any section or item which specifies an immediate effective date takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 455**SENATE BILL NO. 910****By Johnson, Stevens**

Substituted for: House Bill No. 1152

By Lamberth, Gant, Hazlewood, Gary Hicks, Williams

AN ACT to authorize the state of Tennessee, acting by resolutions of its funding board, to issue and sell its bonds and bond anticipation notes to provide for acquisition of equipment and sites, and erection, construction, and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, for construction of highways, and repair, replacement, or rehabilitation of bridges, and for grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them; to make grants to industrial development corporations to provide for acquisition of equipment and acquisition, site preparation, erection, construction, and equipment of sites and buildings; and infrastructure improvements and development; and to provide for the expenditure of said funds; to issue its debt in excess of the authorized amount to fund discount and costs of issuance; and to provide for the expenditure of said funds. This act makes appropriations for an indefinite period of time for the purpose of allocating the proceeds of the bonds and notes authorized by this act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The state of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation bonds of the state of Tennessee in amounts not to exceed one hundred twenty-six million dollars (\$126,000,000) to effectuate the purposes specified in Section 4 of this act. Further, the funding board is authorized to sell bonds in amounts not to exceed 2.5% of the amounts specified above and authorized in Section 4, for the purpose of funding discount and costs of issuance. Such bonds may be issued and sold in one (1) block or in several installments and separately or together with other general obligation bonds of the state of Tennessee as the board may determine, either at public or private sale as provided by law.

SECTION 2. The bonds and the interest bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within twenty (20) years from the date of their issuance subject to Section 7 of this act, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denominations and bear such rate or rates of interest, payable in such manner, as the funding board shall by resolution direct; provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Tennessee Code Annotated, Section 47-14-103. The bonds and interest payable thereon shall be exempt from taxation by the state of Tennessee or by any

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county, municipality or taxing district of the state except inheritance, transfer, and estate taxes.

SECTION 3. When the bonds are so issued and sold, they shall be direct general obligations of the state of Tennessee for the payment of which well and truly to be made according to the tenor, effect, and terms thereof the full faith and credit of the state, together with its taxing power, shall irrevocably be pledged; and the bonds as authorized in this act shall be issued agreeable to the terms of Tennessee Code Annotated, Title 9, Chapter 9; and they shall be financed, retired, and paid both as to principal and interest as provided in that chapter and shall be subject to the terms and conditions therein and herein contained. When the bonds are sold and proceeds paid over to the state treasurer, the funds shall be paid out by the treasurer and the proper fiscal officers of the state, as provided by general law and this act, but only, except for accrued interest paid as part of the purchase price on order of the proper administrative authorities of the agency or department in this act named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

SECTION 4. The proceeds of any and all issues of bonds authorized in this act shall be allocated to the following departments:

(1) Department of Transportation in the amount of one hundred twenty-six million dollars (\$126,000,000) and expended for the construction of highways and for the purpose of acquisition of equipment and sites, and erection, construction, and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, and repair, replacement, or rehabilitation of bridges.

(2) In its discretion the funding board is authorized to issue bonds in amounts not to exceed 2.5% of the amounts specified above in subdivision (1), the proceeds of which are to be allocated to such departments as determined by the funding board and expended for the purpose of funding discount and the costs of issuance.

SECTION 5. The proper authorities enumerated in this act and charged with the duty of expending the funds shall have authority to proceed with the projects authorized in this act and for that purpose may hire an architect or architects, advertise for bids and award contracts, all within the provisions of the general law, expressly including Tennessee Code Annotated, Title 4, Chapter 15, and rules of the state building commission, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act which is subject to the approval of the state building commission shall be entered into unless and until that contract shall have been approved by the state building commission. The foregoing provisions shall not apply to any grants authorized in this act, but the department of finance and administration, charged with the duty of expending funds, shall have the authority to enter into such grant contracts and perform in accordance with their terms only after the projects have been approved by the state building commission.

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SECTION 6. The allocation made to each agency or department as provided in Section 4 may be applied as determined by the funding board to bear its appropriate portion of discount and costs of issuance.

SECTION 7. Pending the issuance of the definite bonds authorized by this act, the state of Tennessee, acting by resolutions of its funding board, is authorized and empowered to issue and sell, either at public or private sale, together with accrued interest thereon, its interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board. The note or notes shall bear such date or dates, bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places and mature on such date or dates, subject to such terms and conditions as such resolution or resolutions may provide. In its discretion, the funding board may provide that a bond anticipation note or any renewal of such note may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule of repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired no later than either twenty-five (25) years from the date of issue of such original note or twenty (20) years from the date the project is completed and placed in full service, whichever is earlier. Provisions of general law with respect to authentication, execution, and registration of general obligation bonds of the state of Tennessee shall also apply to the notes to the extent applicable. The note or notes and the interest payable thereon shall be exempt from taxation by the state of Tennessee or by any county, municipality, or taxing district of the state except inheritance, transfer, and estate taxes. Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized under this act and shall further provide that the full faith and credit and taxing power of the state of Tennessee are pledged to the payment thereof.

In its discretion the funding board is authorized to issue bond anticipation notes, the proceeds of which are to be allocated to the funding board and expended for the purpose of funding discount and the costs of issuance, as part of the 2.5% additional amounts authorized by Section 4 of this act.

SECTION 8. No bonds shall be issued under the authority of this act until such time as the general assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

SECTION 9. Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Chapter 190, Public Acts of 1989.

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SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

[Effective date 5/17/2021]

SECTION 12. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 456**SENATE BILL NO. 909****By Johnson, Briggs, Jackson, Massey, Stevens**

Substituted for: House Bill No. 1154

By Lamberth, Gant, Hazlewood, Gary Hicks, Williams

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71, relative to statutory revisions required for implementation of the annual appropriations act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-393]

SECTION 1. Tennessee Code Annotated, Section 67-6-393, is amended by adding the following new subsection:

(h)(1) There is exempt from the tax imposed by this chapter the retail sale of food and food ingredients, as defined in § 67-6-102, if sold between 12:01 a.m. on Friday, July 30, 2021, and 11:59 p.m. on Thursday, August 5, 2021.

(2) There is exempt from the tax imposed by this chapter the retail sale of prepared food, as defined in § 67-6-102, but excluding alcoholic beverages, if sold between 12:01 a.m. on Friday, July 30, 2021, and 11:59 p.m. on Thursday, August 5, 2021. For purposes of this subdivision (h)(2), such prepared food qualifies for exemption if delivered or served during the exemption period and paid for by the customer either during or prior to the exemption period, notwithstanding subdivision (d)(7) to the contrary.

[49-11-903]

SECTION 2. Tennessee Code Annotated, Section 49-11-903, is amended by deleting subsections (e) and (f) in their entireties.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 457**SENATE BILL NO. 911****By Johnson, Stevens**

Substituted for: House Bill No. 1151

By Lamberth, Gant, Hazlewood, Gary Hicks, Williams

AN ACT pursuant to Article II, Section 24, of the Tennessee Constitution providing for the dollar amount and rate by which the growth of appropriations from state tax revenues will exceed the estimated growth in the state's economy and to amend Tennessee Code Annotated, Title 9, Chapter 4, Part 52.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[9-4-5203]

SECTION 1. Tennessee Code Annotated, Section 9-4-5203(e), is amended by adding the following language as a new, appropriately designated subdivision:

() The index of appropriations from state tax revenues for the 2021-2022 fiscal year may exceed the index of estimated growth in the state's economy by four hundred thirty-one million six hundred thousand dollars (\$431,600,000) or two and thirty-seven hundredths percent (2.37%).

[Effective date 5/17/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 458**SENATE BILL NO. 19**

**By Gilmore, Bailey, Briggs, Gardenhire, Niceley, Rose, Walley, Yager,
Watson**

Substituted for: House Bill No. 864

By Chism, Griffey, Hardaway, Clemmons, Ramsey, Casada, Warner,
McKenzie, Wright, Ogles, Beck, Parkinson, Whitson, Thompson, Gillespie,
Miller, Camper, Doggett, Eldridge, Helton, Powell,

**Smith, Jernigan, Todd, Love, Hazlewood, Dixie, White,
Terry**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, relative
to nurses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-116]

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended
by deleting the section and substituting the following:

(a) A person commits assault against a first responder or nurse,
who is discharging or attempting to discharge the first responder's or
nurse's official duties, who:

(1) Knowingly causes bodily injury to a first responder or nurse;
or

(2) Knowingly causes physical contact with a first responder or
nurse and a reasonable person would regard the contact as extremely
offensive or provocative, including, but not limited to, spitting,
throwing, or otherwise transferring bodily fluids, bodily pathogens, or
human waste onto the person of a first responder or nurse.

(b) A person commits aggravated assault against a first responder
or nurse, who is discharging or attempting to discharge the first
responder or nurse's official duties, who knowingly commits an assault
under subsection (a), and the assault:

(1) Results in serious bodily injury to the first responder or
nurse;

(2) Results in the death of the first responder or nurse;

(3) Involved the use or display of a deadly weapon; or

(4) Involved strangulation or attempted strangulation.

(c)(1) Assault under subsection (a) is a Class A misdemeanor, and
shall be punished by a mandatory fine of five thousand dollars (\$5,000)
and a mandatory minimum sentence of thirty (30) days incarceration.
The defendant is not eligible for release from confinement until the

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defendant has served the entire thirty-day mandatory minimum sentence.

(2) Aggravated assault under subsection (b) is a Class C felony, and is punished by a mandatory fine of fifteen thousand dollars (\$15,000) and a mandatory minimum sentence of ninety (90) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(d) For purposes of this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call; and

(B) Includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation; and

(2) "Nurse" means a person who is licensed, registered, or certificated under title 63, chapter 7.

[Effective date 7/1/2021]

SECTION 2. This act shall take effect July 1, 2021, the public welfare requiring it, and applies to prohibited acts committed on or after that date.

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SENATE BILL NO. 123

By Haile, Stevens

Substituted for: House Bill No. 181

By Hazlewood, Williams, Camper, Miller, White, Curcio, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, relative to the annual coverage assessment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 71, ch. 5, part 20; 71-5-2001; 71-5-2002; 71-5-2003; 71-5-2004; 71-5-2005; 71-5-2006; 71-5-2007]

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 20, is amended by deleting current Part 20 in its entirety and substituting instead a new Part 20 as follows:

71-5-2001. Short title.

This part shall be known and may be cited as the “Annual Coverage Assessment Act of 2021.”

71-5-2002. Part definitions.

As used in this part:

(1) “Annual coverage assessment” means the annual assessment imposed on covered hospitals as set forth in this part;

(2) “Annual coverage assessment base” means a covered hospital’s net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2016, on file with CMS as of September 30, 2018, subject to the following qualifications:

(A) If a covered hospital does not have a full twelve-month medicare cost report for 2016 on file with CMS but has a full twelve-month cost report for a subsequent year, then the first full twelve-month medicare cost report for a year following 2016 on file with CMS is the annual coverage assessment base;

(B) If a covered hospital does not have a full twelve-month medicare cost report for 2016 on file with CMS and does not have a full twelve-month cost report for a subsequent year, but has a cost report for 2016 that covers at least nine (9) months of 2016, then the assessment base is calculated by annualizing the 2016 cost report data;

(C) If a covered hospital was first licensed in 2016 or later and did not replace an existing hospital, and if the hospital has a medicare cost report on file with CMS, then the hospital’s initial cost report on file with CMS is the base for the hospital assessment. If the hospital does not have an initial cost report on file with CMS but does have a complete twelve-month joint annual report filed with the department of health, then the net patient revenue from the first

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twelve-month joint annual report is the annual coverage assessment base. If the hospital does not have a medicare cost report or a full twelve-month joint annual report filed with the department of health, then the annual coverage assessment base is the covered hospital's projected net patient revenue for its first full year of operation as shown in its certificate of need application filed with the health services and development agency;

(D) If a covered hospital was first licensed in 2016 or later and replaced an existing hospital, then the annual coverage assessment base is the replacement hospital's initial medicare cost report on file with CMS. If the hospital does not have a medicare cost report on file with CMS, then the hospital's annual coverage assessment base is either the predecessor hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2016, or, if the predecessor hospital does not have a 2016 medicare cost report, then the cost report for the first fiscal year following 2016 on file with CMS;

(E) If a covered hospital is not required to file an annual medicare cost report with CMS, then the hospital's annual coverage assessment base is its net patient revenue for the fiscal year ending during calendar year 2016 or the first fiscal year that the hospital was in operation after 2016 as shown in the covered hospital's joint annual report filed with the department of health; and

(F) If a covered hospital's fiscal year 2016 medicare cost report is not contained in any of the CMS healthcare cost report information system files and if the hospital does not meet any of the other qualifications listed in subdivisions (2)(A)-(E), then the hospital must submit a copy of the hospital's 2016 medicare cost report to the bureau in order to allow for the determination of the hospital's net patient revenue for the state fiscal year 2021-2022 annual coverage assessment;

(3) "Bureau" means the bureau of TennCare;

(4) "CMS" means the federal centers for medicare and medicaid services;

(5) "Controlling person" means a person who, by ownership, contract, or otherwise, has the authority to control the business operations of a covered hospital. As used in this subdivision (5), "control" means indirect or direct ownership of ten percent (10%) or more of a covered hospital;

(6) "Covered hospital" means a hospital licensed under title 33 or title 68, as of July 1, 2021, but does not include an excluded hospital;

(7) "Excluded hospital" means:

(A) A hospital that has been designated by CMS as a critical access hospital as of July 1, 2021;

(B) A mental health hospital owned by this state;

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(C) A hospital providing primarily rehabilitative or long-term acute care services;

(D) A children's research hospital that does not charge patients for services beyond that reimbursed by third-party payers; and

(E) A hospital that is determined by the bureau as eligible to certify public expenditures for the purpose of securing federal medical assistance percentage payments;

(8) "Medicare cost report" means CMS-2552-10 or a subsequent form adopted by CMS for medicare cost reporting, the cost report for electronic filing of hospitals, for the period applicable as set forth in this section; and

(9) "Net patient revenue" from the medicare cost report means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported on Worksheet G-3, Column 1, Line 3, of the 2016 medicare cost report excluding long-term care inpatient ancillary and other non-hospital revenues, or, in the case of a hospital that did not file a 2016 medicare cost report, comparable data from the first complete cost report filed after 2016 by the hospital.

71-5-2003. Annual coverage assessment on covered hospitals.

(a) There is imposed on each covered hospital licensed as of July 1, 2021, an annual coverage assessment for fiscal year (FY) 2021-2022 as set forth in this part.

(b) The annual coverage assessment imposed by this part is not effective and validly imposed until the bureau has provided the Tennessee Hospital Association with written notice that includes:

(1) A determination from CMS that the annual coverage assessment is a permissible source of revenue that must not adversely affect the amount of federal financial participation in the TennCare program;

(2)(A) Approval from CMS for the distribution of the full amount of directed payments to hospitals to offset unreimbursed TennCare costs as described in § 71-5-2005(d)(2) as long as no assessment installment is collected prior to the distribution of the installment of the directed payments; or

(B) The rules promulgated by the bureau pursuant to § 71-5-2004(j)(2); and

(3) Confirmation that all contracts between hospitals and managed care organizations comply with the hospital rate variation corridors set forth in §71-5-161.

(c) The general assembly intends that the proceeds of the annual coverage assessment not be used as a justification to reduce or eliminate state funding to the TennCare program. The annual coverage assessment is not effective and validly imposed if the coverage or the

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amount of revenue available for expenditure by the TennCare program in FY 2021-2022 is less than:

(1) The governor's FY 2021-2022 recommended budget level; plus

(2) Additional appropriations made by the general assembly to the TennCare program for FY 2021-2022, except to the extent new federal funding is available to replace funds that are appropriated as described in subdivision (c)(1) and that are above the amount that the state receives from CMS under the regular federal matching assistance percentage.

(d)(1)

(A) The general assembly intends that the proceeds of the annual coverage assessment not be used as justification for a TennCare managed care organization to implement across-the-board rate reductions to negotiated rates with covered or excluded hospitals or physicians in existence on July 1, 2021. For those rates in effect on July 1, 2021, the bureau shall include provisions in the managed care organizations' contractor risk agreements that prohibit the managed care organizations from implementing across-the-board rate reductions to covered or excluded network hospitals or physicians by specific service, category, or type of provider. The requirements of the preceding sentence also apply to services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician, but do not apply to reductions in benefits or reimbursement for the ancillary services if the reductions:

(i) Are different from those items being funded in § 71-5-2005(d); and

(ii) Have been communicated in advance of implementation to the general assembly and the Tennessee Hospital Association.

(B) For purposes of this subsection (d):

(i) "Physician" includes a physician licensed under title 63, chapter 6 or chapter 9, and a group practice of physicians that hold a contract with a managed care organization;

(ii) "Services or settings of care that are ancillary" includes ambulatory surgical facilities, free standing emergency departments, outpatient treatment clinics or imaging centers, dialysis centers, home health and related services, home infusion therapy services, outpatient rehabilitation, or skilled nursing services; and

(iii) "Services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician" includes services where the physician or covered or excluded hospital, including a wholly owned subsidiary or controlled affiliate of a covered or excluded hospital or hospital system, holds more than a fifty percent (50%) controlling interest in the ancillary services or settings of care, but does not include other ancillary services or settings of care. For across-

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the-board rate reductions to ancillary services or settings of care, the bureau shall include appropriate requirements for notice to providers in the managed care organizations' contractor risk agreements.

(2) This subsection (d) does not preclude good faith negotiations between managed care organizations and covered or excluded hospitals, hospital systems, and physicians on an individualized, case-by-case basis, nor is this subsection (d) intended by the general assembly to serve as justification for managed care organizations in this state, covered or excluded hospitals, hospital systems, or physicians to unreasonably deny any party the ability to enter into the individualized, case-by-case good faith negotiations. Good faith negotiation necessarily implies mutual cooperation between the negotiating parties and may include, but is not limited to, the right to terminate contractual agreements, the ability to modify negotiated rates, pricing, or units of service, the ability to alter payment methodologies, and the ability to enforce existing managed care techniques or to implement new managed care techniques.

(3) This subsection (d) does not preclude the full implementation of the requirements set forth in § 71-5-161.

(4) Notwithstanding this subsection (d), if CMS mandates a TennCare program change or a change is required by state or federal law that impacts rates, and that change is required to be implemented by the managed care organizations in accordance with their contracts, or if the annual coverage assessment becomes invalid, then this part does not prohibit the managed care organizations from implementing a rate change as may be mandated by the bureau or by state or federal law.

71-5-2004. Amount of annual coverage assessment - Payment - Penalty - Suspension of payments - Civil action.

(a) The annual coverage assessment established for this part is four and eighty-seven hundredths percent (4.87%) of a covered hospital's annual coverage assessment base.

(b) The annual coverage assessment must be paid in installments pursuant to this subsection (b) if the requirements of § 71-5-2003(b) have been satisfied. The bureau shall establish a schedule of four (4) equal installment payments spread as evenly as possible throughout FY 2021-2022 with each installment payment due fifteen (15) days after the FY 2021-2022 directed payments approved by CMS to offset unreimbursed TennCare costs have been made to hospitals.

(c) To facilitate collection of the annual coverage assessment, the bureau shall send each covered hospital, at least thirty (30) days in advance of each installment payment due date, a notice of payment along with a return form developed by the bureau. Failure of a covered hospital to receive a notice and return form, however, does not relieve a covered hospital from the obligation of timely payment. The bureau shall also post the return form on its website.

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(d) Failure of a covered hospital to pay an installment of the annual coverage assessment, when due, results in an imposition of a penalty of five hundred dollars (\$500) per day until the installment is paid in full. The bureau at its discretion may waive the penalty if the hospital establishes that it attempted to mail or electronically transfer payment to the state on or before the date the payment was due.

(e) If a covered hospital ceases to operate or changes status to be an excluded hospital after July 1, 2021, and before July 1, 2022, the hospital's total annual coverage assessment is equal to its annual coverage assessment base multiplied by a fraction, the denominator of which is the number of calendar days from July 1, 2021, until July 1, 2022, and the numerator of which is the number of days from July 1, 2021, until the date the board for licensing healthcare facilities has recorded as the date that the hospital changed status or ceased operation.

(f) If a covered hospital ceases operation prior to payment of its full annual coverage assessment, then the person controlling the hospital as of the date the hospital ceased operation is jointly and severally responsible for any remaining annual coverage assessment installments and unpaid penalties associated with previous late payments.

(g) If a covered hospital is sold after July 1, 2021 and before July 1, 2022, the seller is responsible for any annual coverage assessment payments due for the period up to and including the date the sale is final. If the hospital continues to operate in this state and continues to meet the definition of a covered hospital, then the new owner is responsible for paying all coverage assessment amounts due for the period beginning on the day after the date of the sale until July 1, 2022.

(h) If a covered hospital fails to pay an installment of the annual coverage assessment within thirty (30) days of its due date, then the bureau must suspend the payments to the hospital as required by § 71-5-2005(d)(2) or (d)(3) until the installment is paid and report the failure to the department that licenses the covered hospital. Notwithstanding any other law, failure of a covered hospital to pay an installment of the annual coverage assessment or any refund required by this part is considered a license deficiency and grounds for disciplinary action as set forth in the statutes and rules under which the covered hospital is licensed.

(i) In addition to the action required by subsection (h), the bureau is authorized to file a civil action against a covered hospital and its controlling person or persons to collect delinquent annual coverage assessment installments, late penalties, and refund obligations established by this part. Exclusive jurisdiction and venue for a civil action authorized by this subsection (i) is in the chancery court for Davidson County.

(j)(1) If any federal agency with jurisdiction over this annual coverage assessment determines that the annual coverage assessment is not a valid source of revenue or if there is a reduction of the coverage

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and funding of the TennCare program contrary to § 71-5-2003(c), or if the requirements of §§ 71-5-161 and 71-5-2003(b) are not fully satisfied, or if one (1) or more managed care organizations impose rate reductions contrary to § 71-5-2003(d), then:

(A) No subsequent installments of the annual coverage assessment are due and payable; and

(B) No further payments must be paid to hospitals pursuant to § 71-5-2005(d)(2) or (d)(3) after the date of the event.

(2)(A) Notwithstanding this part, if CMS discontinues approval of or otherwise fails to approve the full amount of directed payments to hospitals to offset losses incurred from providing services to TennCare enrollees as authorized under § 71-5-2005(d), then the bureau must suspend any payments from or to covered hospitals otherwise required by this part and must promulgate rules that:

(i) Establish the methodology for determining the amounts, categories, and times of payments to hospitals, if any, instead of the payments that otherwise would have been paid under § 71-5-2005(d)(3) if approved by CMS;

(ii) Prioritize payments to hospitals as set forth in § 71-5-2005(d)(3);

(iii) Identify the benefits and services for which funds will be available in order to mitigate reductions or eliminations that otherwise would be imposed in the absence of the coverage assessment;

(iv) Determine the amount and timing of payments for benefits and services identified under subdivisions (j)(2)(A)(ii) and (iii) as appropriate;

(v) Reinstitute payments from or to covered hospitals as appropriate; and

(vi) Otherwise achieve the goals of this subdivision (j)(2).

(B) The rules adopted under this subdivision (j)(2) must, to the extent possible, achieve the goals of:

(i) Maximizing the amount of federal matching funds available for the TennCare program; and

(ii) Minimizing the variation between payments hospitals will receive under the rules as compared to payments hospitals would have received if CMS had approved the total payments described in § 71-5-2005(d).

(C) Notwithstanding any other law, the bureau is authorized to exercise emergency rulemaking authority to the extent necessary to meet the objectives of this subdivision (j)(2).

(3) Upon occurrence of any of the events set forth in subdivision (j)(1) or (j)(2), the bureau shall then have authority to make necessary changes to the TennCare budget to account for the loss of annual coverage assessment revenue.

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(k) A covered hospital or an association representing covered hospitals, the membership of which includes thirty (30) or more covered hospitals, has the right to file a petition for declaratory order pursuant to § 4-5-223 to determine if there has been a failure to meet any of the requirements of this part. A covered hospital may not increase charges or add a surcharge based on, or as a result of, the annual coverage assessment.

71-5-2005. Deposits in Maintenance of Coverage Trust Fund - Expenditures - Quarterly Reports.

(a) The funds generated as a result of this part must be deposited in the maintenance of coverage trust fund created by § 71-5-160, the existence of which is continued as provided in subsection (b). The fund must not be used to replace any monies otherwise appropriated to the TennCare program by the general assembly or to replace any monies appropriated outside of the TennCare program.

(b) The maintenance of coverage trust fund must continue without interruption and must be operated in accordance with § 71-5-160 and this section.

(c) The maintenance of coverage trust fund consists of:

- (1) The balance of the trust fund remaining as of June 30, 2021;
- (2) All annual coverage assessments received by the bureau;
- (3) Investment earnings credited to the assets of the maintenance of coverage trust fund; and
- (4) Penalties paid by covered hospitals for late payment of assessment installments imposed by this part or a prior statute authorizing an annual coverage assessment.

(d) Monies credited or deposited to the maintenance of coverage trust fund, together with all federal matching funds, must be available to and used by the bureau only for expenditures in the TennCare program and include the following purposes:

(1) Expenditure for benefits and services under the TennCare program, including those that would have been subject to reduction or elimination from TennCare funding for FY 2021-2022, except for the availability of one-time funding for that year only, as follows:

(A) Replacement of across-the-board reductions in covered and excluded hospital and professional reimbursement rates described in the governor's recommended budgets since FY 2011 except for any reductions that were included on a list for a given year but then funded in a subsequent year with recurring state dollars;

(B) Funding virtual DSH payments, funding payments to hospitals for uncompensated care to charity patients, and funding payments to hospitals for quality incentive arrangements, with all of those payments being made in accordance with, and as those categories of payments are defined in, the TennCare 1115 demonstration waiver

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from the centers for medicare and medicaid services to the maximum amount permitted for each category under that waiver;

(C) Maintenance of payments for graduate medical education of at least fifty million dollars (\$50,000,000), or a successor program as approved by CMS;

(D) Maintenance of reimbursement for medicare part A crossover claims at the lesser of one hundred percent (100%) of medicare allowable or the billed amount;

(E) Avoidance of any coverage limitations relative to the number of hospital inpatient days per year or the annual cost of hospital services for a TennCare enrollee;

(F) Avoidance of any coverage limitations relative to the number of nonemergency outpatient visits per year for a TennCare enrollee;

(G) Avoidance of any coverage limitations relative to the number of physician office visits per year for a TennCare enrollee;

(H) Avoidance of coverage limitations relative to the number of laboratory and diagnostic imaging encounters per year for a TennCare enrollee;

(I) Maintenance of coverage for occupational therapy, physical therapy, and speech therapy services;

(J) In the total amount of five hundred sixty-five thousand eight hundred forty dollars (\$565,840) to maintain reimbursement at the same emergency care rate as in FY 2020-2021 for nonemergent care to children twelve (12) to twenty-four (24) months of age;

(K) In the total amount of two million twenty-two thousand three hundred dollars (\$2,022,300) to the bureau to offset the elimination of the provision in the TennCare managed care contractor risk agreements for hospitals as follows:

CRA 2.12.9.60-Specify in applicable provider agreements that all providers who participate in the federal 3408 program give TennCare MCOs the benefit of 3408 pricing;

(L) In the total amount of two hundred seventy-five thousand dollars (\$275,000) to offset a portion of the hospital cost of providing admissions, discharge, and transfer (ADT) messages to the TennCare bureau to support the TennCare Patient Centered Medical Home initiative;

(M) In the total amount of seven hundred fifty thousand dollars (\$750,000) to provide funding for stipends for physicians and other healthcare providers who commit to work in designated medically underserved areas in this state; and

(N) In the amount of three million dollars (\$3,000,000) to offset the unreimbursed cost of charity care for critical access hospitals to be funded from funds remaining in the trust fund as of June 30, 2021.

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(2) Directed payments to hospitals to reduce unreimbursed costs incurred by covered hospitals in providing services to TennCare patients, as approved by CMS and as directed in subdivision (d)(3)(B).

(3)(A) If CMS does not approve directed payments to hospitals to offset unreimbursed costs incurred in serving TennCare patients, but instead approves hospital supplemental pools in the TennCare waiver for that purpose, then payments required by this subdivision (d)(3) must be made from the allocated pools to covered hospitals to offset losses incurred in providing services to TennCare enrollees as set forth in this subdivision (d)(3) as first priority before any other supplemental payments authorized in the TennCare waiver are distributed;

(B) Directed payments to hospitals must be based on the amounts paid to covered hospitals during each quarter of FY 2021-2022. Each covered hospital is entitled to payments for FY 2021-2022 of a portion of its unreimbursed TennCare costs of providing services to TennCare enrollees. As used in this subdivision (d)(3)(B), "unreimbursed TennCare costs" means the excess of TennCare costs over TennCare net revenue. TennCare charges and net revenue are calculated using data from Schedule E, items (A)(1)(e) and (A)(1)(f) from the hospital's 2019 joint annual report (JAR) filed with the department of health. As used in this subdivision (d)(3)(B), "TennCare costs" means the quotient of a facility's cost-to-charge ratio, calculated as B(3) (total expenses) divided by A(3)(e) (total gross patient charges) from Schedule E of the 2019 JAR, times TennCare charges. The amount of the payment to covered hospitals must be no less than forty and two tenths percent (40.20%) of unreimbursed TennCare costs for all hospitals licensed by the state that reported TennCare charges and revenue and total expenses on the 2019 joint annual report (JAR), excluding state-owned hospitals;

(C) The payments required by this subdivision (d)(3) must be made in four (4) equal installments. The bureau shall provide to the Tennessee Hospital Association a schedule showing the payments to each hospital at least seven (7) days in advance of the payments; and

(D) The payments required by this subdivision (d)(3) may be made by the bureau directly or by the TennCare managed care organizations with the direction to make payments to hospitals as required by this subsection (d). The payments to a hospital pursuant to this subdivision (d)(3) are not part of the reimbursement to which a hospital is entitled under its contract with a TennCare managed care organization;

(4) In addition to the items and expenditures set forth in subdivisions (d)(1)-(3), other programs and initiatives developed by the bureau, in consultation with the Tennessee Hospital Association, to offset the unreimbursed costs of providing services to TennCare enrollees and the financial consequences of the public health emergency caused by the COVID- 19 pandemic;

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(5) Refunds, in proportion to the amount paid in, to covered hospitals based on:

(A) The payment of annual coverage assessments or penalties to the bureau through error, mistake, or a determination that the annual coverage assessment was invalidly imposed; or

(B) Circumstances where the bureau, in consultation with the Tennessee Hospital Association, has determined a lower coverage assessment would have been required to carry out the purposes of subdivisions (d)(1)-(4); and

(6) Payments authorized under rules promulgated by the bureau pursuant to § 71-5-2004(2).

(e) The bureau shall modify the contracts with TennCare managed care organizations and otherwise take action necessary to assure the use and application of the assets of the maintenance of coverage trust fund, as described in subsection (d).

(f) The bureau shall submit requests to CMS to modify the medicaid state plan, the contractor risk agreements, and an applicable Section 1115 demonstration project, as necessary, to implement the requirements of this part.

(g) At quarterly intervals beginning September 1, 2021, the bureau shall submit a report to the finance, ways and means committees of the senate and the house of representatives, to the health and welfare committee of the senate, and to the health committee of the house of representatives, which report must include:

(1) The status, if applicable, of the determination and approval by CMS set forth in § 71-5-2003(b) of the annual coverage assessment;

(2) The balance of funds in the maintenance of coverage trust fund; and

(3) The extent to which the maintenance of coverage trust fund has been used to carry out this part.

(h) Notwithstanding another provision of law, no part of the maintenance of coverage trust fund must be diverted to the general fund or used for a purpose other than as set forth in this part.

71-5-2006. Expiration of part - Survival of certain rights and obligations.

This part expires on July 1, 2022. However, the following rights and obligations survive the expiration:

(1) The authority of the bureau to impose late payment penalties and to collect unpaid annual coverage assessments and required refunds;

(2) The rights of a covered hospital or an association of covered hospitals to file a petition for declaratory order to determine compliance with this part;

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(3) The existence of the maintenance of coverage trust fund and the obligation of the bureau to use and apply the assets of the maintenance of coverage trust fund; and

(4) The obligation of the bureau to implement and maintain the requirements of § 71-5-161.

71-5-2007. Audit of expenditure of funds from maintenance of coverage trust fund.

The comptroller of the treasury may audit the expenditure of funds pursuant to this part from the maintenance of coverage trust fund. At the discretion of the comptroller of the treasury, the audit may be prepared by a certified public accountant, a public accountant, or the department of audit. Notwithstanding § 71-5-2005, the bureau of TennCare and the maintenance of coverage trust fund must bear the full costs of the audit.

[71-5-2005]

SECTION 2. Tennessee Code Annotated, Section 71-5-2005(d), is amended by adding the following as a new subdivision:

(6) Other programs and initiatives developed by the bureau in consultation with the Tennessee Hospital Association to offset the unreimbursed costs of providing services to TennCare enrollees and the financial consequences of the public health emergency caused by the COVID-19 pandemic.

SECTION 3. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 5/18/2021]

SECTION 4. SECTION 2 of this act takes effect upon becoming a law, the public welfare requiring it. SECTION 1 and SECTION 3 of this act take effect June 30, 2021, at 11:59 p.m., the public welfare requiring it.

PUBLIC CHAPTER NO. 460**SENATE BILL NO. 126****By Haile, Pody, Stevens**

Substituted for: House Bill No. 1027

By Kumar, Cochran, Zachary, Hazlewood, Carr, Smith, Powers, White,
Moody

AN ACT to amend Tennessee Code Annotated, Title 8; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to treatment for children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-1-169]

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Healthcare prescriber" means an individual licensed under this title and authorized to prescribe medications;

(2) "Minor" means a person who is less than eighteen (18) years of age; and

(3) "Prepubertal minor" means a minor in Tanner stage 1 development.

(b) Standard medical practice does not involve prescribing hormone treatment for gender dysphoric or gender incongruent prepubertal minors. Except as provided in subsection (c), a healthcare prescriber shall not prescribe a course of treatment that involves hormone treatment for gender dysphoric or gender incongruent prepubertal minors.

(c) A healthcare prescriber may prescribe a course of treatment that involves hormone treatments for prepubertal minors for diagnoses of growth deficiencies or other diagnoses unrelated to gender dysphoria or gender incongruency.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 461**SENATE BILL NO. 212****By Haile**

Substituted for: House Bill No. 1045

By Kumar, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4; Title 29, Chapter 26; Title 63 and Title 68, relative to health-related licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-1-170]

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following new section:

(a) Notwithstanding any law, if the licensing authority of a healthcare prescriber learns that the healthcare prescriber is the subject of an indictment for a federal or state criminal offense that involves a controlled substance violation or sexual offense, then the chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall automatically and immediately restrict the license of the healthcare prescriber by removing the prescriber's authorization to prescribe Schedule II controlled substances in this state until the case against the healthcare prescriber reaches final disposition. The chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall immediately send written notice of the license restriction to the healthcare prescriber. Upon receipt of sufficient proof, the chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall remove the license restriction if:

(1) The healthcare prescriber is acquitted by a verdict of the jury upon the merits; or

(2) The prosecution is dismissed, or a nolle prosequi is entered by the prosecuting authority.

(b) Notwithstanding any law, if the licensing authority of a healthcare prescriber learns that the healthcare prescriber is convicted of a federal or state criminal offense that involves a controlled substance violation or sexual offense, then the chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall automatically and immediately, without further action by the licensing authority, revoke the license of the healthcare prescriber. The chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall immediately send written notice of the license revocation to the healthcare prescriber. If the conviction on which the revocation is based is subsequently overturned

PUBLIC CHAPTER NO. 461 (cont'd)

or reversed, then the chair of the licensing authority or administrative staff of the licensing authority designated by the chair shall:

(1) Grant the prescriber a new license if the prescriber otherwise satisfies the qualifications for licensure under this title and the criminal charges against the prescriber involving a controlled substance violation or sexual offense have reached final disposition; or

(2) Grant the prescriber a new license subject to the restriction described in subsection (a) if the prescriber otherwise satisfies the qualifications for licensure under this title, but the criminal charges against the prescriber involving a controlled substance violation or sexual offense have not reached final disposition.

(c)(1) Failure by a person licensed under and required by chapter 7 or 19 of this title to collaborate with a physician for any act within the person's licensed scope of practice constitutes a threat to the public health, safety, and welfare and imperatively requires emergency action by the person's licensing authority.

(2) Notwithstanding any law, if the licensing authority of a person licensed under and required by chapter 7 or 19 of this title to collaborate with a physician for any act within the person's licensed scope of practice learns that the person has failed to comply with the collaboration requirement, then the chair of the licensing authority, or the chair's designee, shall direct the administrative staff to automatically and immediately, without further action of the licensing authority, suspend the license of the person until the licensing authority receives sufficient proof that the person is in compliance with the collaboration requirements of this title.

[63-7-130]

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following new section:

(a)(1) Failure by a person licensed under and required by this chapter to collaborate with a physician for any act within the person's licensed scope of practice constitutes a threat to the public health, safety, and welfare and imperatively requires emergency action by the board.

(2) Notwithstanding any law, if the board learns that a person licensed under this chapter and subject to a requirement to collaborate with a physician for any act within the person's licensed scope of practice has failed to comply with the collaboration requirement, then the board chair, or the chair's designee, shall direct the administrative staff to automatically and immediately, without further action by the board, suspend the person's license until the board receives sufficient proof that the person is in compliance with the collaboration requirements of this chapter.

(3) The licensure sanction authorized by this subsection (a) is supplementary to, and does not limit, the authority of the board to take

PUBLIC CHAPTER NO. 461 (cont'd)

other disciplinary action against a licensee the board determines to be in violation of this chapter.

(b) If a healthcare prescriber licensed under this chapter is the subject of a disciplinary action by the board for conduct related to improper prescribing or diversion of a controlled substance, but retains an active license with prescribing authority following the disciplinary action, then the healthcare prescriber shall not prescribe a controlled substance in this state unless the healthcare prescriber is working in collaboration with a physician who is physically present at the same practice site and licensed to prescribe controlled substances in this state. The board shall determine the period of time that a healthcare prescriber is subject to the on-site supervision requirement of this subsection (b), which must not be less than two (2) years.

[63-19-112]

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 19, Part 1, is amended by adding the following new section:

(a)(1) Failure by a person licensed under and required by this chapter to collaborate with a physician for any act within the person's licensed scope of practice constitutes a threat to the public health, safety, and welfare and imperatively requires emergency action by the board.

(2) Notwithstanding any law, if the board learns that a person licensed under this chapter and subject to a requirement to collaborate with a physician for any act within the person's licensed scope of practice has failed to comply with the collaboration requirement, then the board chair shall direct the administrative staff to automatically and immediately, without further action by the board, suspend the person's license until the board receives sufficient proof that the person is in compliance with the collaboration requirements of this chapter.

(3) The licensure sanction authorized by this subsection (a) is supplementary to, and does not limit, the authority of the board to take other disciplinary action against a licensee the board determines to be in violation of this chapter.

(b) If a healthcare prescriber licensed under this chapter is the subject of a disciplinary action by the board for conduct related to improper prescribing or diversion of a controlled substance, but retains an active license with prescribing authority following the disciplinary action, then the healthcare prescriber shall not prescribe a controlled substance in this state unless the healthcare prescriber is working in collaboration with a physician who is physically present at the same practice site and licensed to prescribe controlled substances in this state. The board shall determine the period of time that a healthcare prescriber is subject to the on-site supervision requirement of this subsection (b), which must not be less than two (2) years.

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[4-5-322]

SECTION 4. Tennessee Code Annotated, Section 4-5-322(h)(5), is amended by deleting the subdivision and substituting the following:

(5)(A)(i) Except as provided in subdivision (h)(5)(B), unsupported by evidence that is both substantial and material in the light of the entire record;

(ii) In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact;

(B)(i) Unsupported by a preponderance of the evidence in light of the entire record, if the administrative findings, inferences, conclusions, or decisions were made by a board, council, committee, agency, or regulatory program created pursuant to chapters 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 of title 63;

(ii) In determining whether the administrative findings, inferences, conclusions, or decisions are supported by a preponderance of the evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

[68-11-218]

SECTION 5. Tennessee Code Annotated, Section 68-11-218, is amended by deleting the section and substituting the following:

(a) The chief administrative official of each hospital or other facility shall report to the respective licensing board, committee, council, or agency the following:

(1) Any disciplinary action taken concerning any person licensed under title 63 or this title, when the action is related to professional ethics, professional incompetence, negligence, moral turpitude, or drug or alcohol abuse; and

(2) Any information that the chief administrative official reasonably believes indicates that a person licensed under title 63 or this title has been referred to or participated in a professional assistance program on two (2) or more separate occasions because the person:

(A) Inappropriately prescribed an opioid;

(B) Diverted an opioid;

(C) Engaged in sexual activity with a patient; or

(D) Has a mental or physical impairment that prevents the person from safely practicing the licensed profession.

(b)(1) A report to a licensing board, committee, council, or agency made pursuant to subdivision (a)(1) must be in writing and must be

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made within sixty (60) days of the date of a disciplinary action described in subdivision (a)(1).

(2) A report to a licensing board, committee, council, or agency made pursuant to subdivision (a)(2) must be in writing, must be made on or before January 31 of each year, and must cover any referrals occurring during the previous calendar year.

(c) For purposes of this section, "disciplinary action" includes termination, suspension, reduction, or resignation of hospital privileges for any of the reasons listed in subsection (a).

(d) Notwithstanding § 63-1-150, § 63-6-228, or any other provision to the contrary, the hospital or facility shall make available to the respective licensing board, committee, council, or agency, for examination all records pertaining to a disciplinary action described in subdivision (a)(1).

(e) Any individual who, as a member of any committee, an employee, or a contractor of any hospital or facility, files a report pursuant to this section, is immune from liability to the extent provided in § 63-1-150.

[Effective date 5/18/2021]

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it, and applies to disciplinary actions taken or information first received on or after the effective date of this act.

PUBLIC CHAPTER NO. 462**SENATE BILL NO. 258****By Massey, Yager, Jackson, Reeves, Rose**

Substituted for: House Bill No. 924

By Wright, Griffey, Russell, Sherrell, Moon, Ogles, Gillespie, White, Moody, Carr, Smith, Helton, Eldridge, Whitson, Hazlewood, Todd

AN ACT to amend Tennessee Code Annotated, Title 39, relative to law enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-609]

SECTION 1. Tennessee Code Annotated, Section 39-13-609(d)(2), is amended by adding the following as new subdivisions:

(H) To provide aerial coverage of public property, or private property with the consent of the private property owner, when deployed for the purpose of providing or enhancing security for an event open to the public, including, but not limited to, music concerts, athletic events, festivals, protests, and other outdoor events;

(I) To provide aerial coverage in case of a natural disaster when a state of emergency is declared; or

(J) To investigate the scene of a crime that is occurring or has occurred.

[39-13-609]

SECTION 2. Tennessee Code Annotated, Section 39-13-609(e)(2), is amended by deleting subdivisions (e)(2)(A)-(C) and substituting:

(A) Be deleted within fifteen (15) business days of collection unless the evidence,

information, or other data is directly relevant to the lawful reason the drone was being used or to an investigation or criminal prosecution. If the evidence, information, or other data is directly relevant to either, the evidence must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone;

(B) Not be admissible as evidence in a criminal prosecution in any court of law in this state if it was collected or obtained in violation of subsection (c) or (d); and

(C) Not be used as probable cause to obtain a search or arrest warrant or reasonable suspicion to detain a person or vehicle if evidence, information, or other data was collected or obtained that was, at the time of collection, in violation of this section.

[Effective date 5/18/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it. This act terminates July 1, 2024, and the law in effect prior to this act's effective date will be revived.

PUBLIC CHAPTER NO. 463**SENATE BILL NO. 280****By Rose, Bowling**

Substituted for: House Bm No. 622

By Rudder

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 26, relative to human resource agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[13-26-103]

SECTION 1. Tennessee Code Annotated, Section 13-26-103, is amended by deleting the section and substituting the following:

(a) When a human resource agency (HRA) is created pursuant to § 13-26-102, a governing board is established for the HRA.

(b)(1) The membership of the governing board consists of:

(A) Each county mayor within the HRA's district;

(B) Three (3) or more municipal mayors within the HRA's district who serve on a rotating basis as determined by the bylaws of the HRA;

(C) A senate member who is selected by the senators whose districts are wholly or partially in the area served by the HRA; and

(D) A representative member who is selected by the representatives whose districts are wholly or partially in the HRA.

(2) An HRA may appoint additional persons to the governing board as required by state or federal guidelines.

(c) A member of the general assembly shall not receive any compensation for the member's service on a board.

(d) The board may appoint an executive committee to act for the board. The board shall determine the authority and composition of the committee.

(e) The governing board, executive committee, or advisory council may conduct special or regular meetings.

(f) The governing board shall appoint an advisory council composed of ex officio nonvoting members, to be invited to meet with the governing board at least once annually. The membership of the council is broadly based and equitably distributed between representatives of providers and consumers of human resource services and as established by law, and the council includes members of the governing board and municipal mayors in the service area of the human resource agency.

PUBLIC CHAPTER NO. 463 (cont'd)

[13-26-104]

SECTION 2. Tennessee Code Annotated, Section 13-26-104, is amended by deleting the section and substituting the following:

(a) A governing board may:

- (1) Adopt bylaws;
- (2) Appoint an executive director, who would serve at the pleasure of the board;
- (3) Determine major personnel, fiscal, and program policies;
- (4) Approve overall program plans and priorities; and
- (5) Assure compliance with conditions of and approve proposals for financial assistance under this chapter.

(b) Each governing board shall:

- (1) Jointly adopt statewide uniform travel regulations, to be kept on file with the commissioner of finance and administration, and reimburse the governing board's officers and employees for official travel in conformance with the regulations;
- (2) Develop a system of competitive bidding on purchases of supplies and equipment, and other contracts, and submit the written procedures governing the system to the state procurement commission for approval; and
- (3) Develop written personnel procedures that are kept on file with the commissioner of finance and administration.

[13-26-108]

SECTION 3. Tennessee Code Annotated, Section 13-26-108, is amended by deleting the section.

[13-26-111]

SECTION 4. Tennessee Code Annotated, Section 13-26-111, is amended by deleting the section and substituting the following:

(a) For purposes of general oversight, and specifically for purposes of § 13-26-107, the human resource agencies created under this chapter are attached to the department of human services. Any reports required of human resource agencies by this chapter, or reports that may arise from activities undertaken in accordance with the authority granted under this chapter, are filed with the department of human services in addition to any other filing that may be required.

(b)(1) The commissioner shall consider the financial needs of human resource agencies, including the disbursement of matching funds as authorized under § 13-26-107, and, to the extent deemed appropriate, shall include such funds in the budget request of the department of human services submitted to the commissioner of finance and administration pursuant to § 9-4-5103.

PUBLIC CHAPTER NO. 463 (cont'd)

(2) The department of human services shall provide planning assistance and oversight to the partner agencies with whom the department seeks to coordinate services.

[Effective date 5/18/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 464

SENATE BILL NO. 304

By Briggs, Massey, Gilmore, Reeves, Yarbrow

Substituted for: House Bill No. 345

By Carr, Griffey, Weaver, Garringer, Hazlewood, Crawford

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 6, Part 1, relative to adult protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-6-126]

SECTION 1. Tennessee Code Annotated, Section 71-6-126, is amended by deleting the section and substituting the following:

(a) There is created the elder abuse task force.

(b) The task force is to consist of the following members:

(1) The executive director of the Tennessee commission on aging and disability or the executive director's designee;

(2) The commissioner of human services, or the commissioner's designee with knowledge of the responsibilities of the adult protective service program;

(3) The commissioner of health or the commissioner's designee;

(4) The commissioner of financial institutions or the commissioner's designee;

(5) The commissioner of commerce and insurance or the commissioner's designee;

(6) A district attorney general selected by the district attorneys general conference;

(7) The director of the Tennessee bureau of investigation or the director's designee;

(8) A representative of the Tennessee Bankers Association;

(9) A representative of the Tennessee Credit Union League; and

(10) A representative of the Tennessee Health Care Association.

(c)(1) The task force shall:

(A) Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act related to financial exploitation, compiled in this part;

(B) Examine the existing barriers, services, and resources addressing the needs of these elder persons and vulnerable adults; and

PUBLIC CHAPTER NO. 464 (cont'd)

(C) Develop recommendations to address problems associated with the financial exploitation of these elder persons and vulnerable adults.

(2) The task force shall include an examination of the following in its assessment and recommendations:

(A) A determination of the economic and human impact of financial exploitation of elder persons and vulnerable adults in Tennessee;

(B) A review of the remedies to reduce the number of individuals suffering such abuse;

(C) Legislative remedies for consideration in the 112th general assembly; and

(D) Needed state policies or responses, including directions for the provision of clear and coordinated services and support to protect and assist such persons.

(d) Members of the task force serve without compensation or reimbursement for any expenses incurred while participating in the business of the task force.

(e) The appointing authorities shall strive to be inclusive in selecting persons to serve on the task force to best reflect the racial, gender, geographic, urban and rural, and economic diversity of the state.

(f) The executive director of the Tennessee commission on aging and disability shall call the first meeting of the task force, at which time the members shall elect a chair and vice chair.

(g) The commission on aging and disability shall provide necessary administrative support for the task force. The chair of the task force may call on appropriate state agencies for reasonable assistance relating to the work of the task force.

(h) The task force shall hold public meetings and utilize technological means, such as webcasts, to gather feedback on the recommendations from the general public and from persons and families affected by poverty.

(i) The task force shall submit its findings and recommendations to the governor and the general assembly in the form of a state plan to combat the abuse of elder persons and other vulnerable adults no later than January 15, 2022, at which time the task force terminates and this section is repealed.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 465**SENATE BILL NO. 410****By Gilmore, Campbell, Akbari**

Substituted for: House Bill No. 565

By Dixie, Camper, Hardaway, Hakeem, Shaw, McKenzie, Parkinson, Love, Chism, Towns, Miller, Lamar, Harris, Cooper, Ramsey, Thompson, Powell

AN ACT to amend Tennessee Code Annotated, Title 63, relative to professions of the healing arts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-5-123]

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 5, is amended by adding the following as a new section:

(a) As used in this section, "COVID-19" means an infectious respiratory disease caused by the coronavirus named SARS-CoV-2, or a mutation of that coronavirus.

(b) Notwithstanding a law to the contrary, a dentist licensed under this chapter may administer a vaccination against COVID-19 if the dentist has received appropriate training as recommended by the centers for disease control and prevention.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 466**SENATE BILL NO. 424****By Yarbrow, Gilmore, Haile**

Substituted for: House Bill No. 811

By Powell, Jernigan, Freeman, Beck, Camper

AN ACT to amend Tennessee Code Annotated, Title 7, relative to tourism development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-88-117]

SECTION 1. Tennessee Code Annotated, Section 7-88-117(a)(2), is amended by deleting the language “twenty-five hundredths percent (0.25%)” and substituting the language “fifty hundredths percent (0.50%)”.

[7-88-117]

SECTION 2. Tennessee Code Annotated, Section 7-88-117(b), is amended by deleting subdivision (3) and substituting:

(3) Except as provided in subdivision (b)(4):

(A) One-half (1/2) of the proceeds of the fee provided for in this section must be distributed to the metropolitan government from which the fee was collected to be deposited into the event and marketing fund of such government. The funds derived from the collection of this fee and distributed pursuant to this subdivision (b)(3)(A):

(i) Must be used to assist in the recruitment of major conventions and group meetings, the improvement of promotion, and to provide additional focused security in the central business improvement districts located within a tourism development zone; and

(ii) Shall not be used to assist in the recruitment of, directly or indirectly, conventions or group meetings that are considering, or would otherwise consider absent the use of this fee, other meeting and convention venues located in a county in which such fee is imposed; and

(B) One-half (1/2) of the proceeds of the fee provided for in this section must be distributed to the metropolitan government from which the fee was collected to be deposited into the Nashville District Management Corporation Fund of such government. The funds derived from the collection of this fee and distributed pursuant to this subdivision (b)(3)(B) must be used to promote safety and cleanliness in the central business improvement district located in downtown Nashville. For the purposes of this subdivision (b)(3)(B), to “promote safety and cleanliness” may include, but is not limited to, enhanced public safety, social services, and sidewalk cleaning.

PUBLIC CHAPTER NO. 466 (cont'd)

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 467**SENATE BILL NO. 458****By Bell, Yager**

Substituted for: House Bill No. 646

By Faison, Weaver, Carringer, Terry, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, relative to financial aid for home school students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-708]

SECTION 1. Tennessee Code Annotated, Section 49-4-708(b)(7), is amended by deleting the subdivision and substituting:

“Home school student” means:

(A) A Tennessee resident who completed high school in a home school program prior to July 1, 2021, meeting the requirements of § 49-6-3050(a)(2), (a)(3), or (b); or

(B) A Tennessee resident who completed high school in a home school program on or after July 1, 2021;

[49-4-902]

SECTION 2. Tennessee Code Annotated, Section 49-4-902(27), is amended by deleting the subdivision and substituting:

“Home school student” means:

(A) A Tennessee resident who completed high school in a home school program prior to July 1, 2021, meeting the requirements of § 49-6-3050(a)(2), (a)(3), or (b). For one (1) year immediately preceding completion of high school as a home school student, the student must have been a student in a home school; or

(B) A Tennessee resident who completed high school in a home school program on or after July 1, 2021;

[49-4-908]

SECTION 3. Tennessee Code Annotated, Section 49-4-908(a)(3), is amended by deleting the subdivision and substituting:

(A) Attain a composite ACT score of at least 21 on any single ACT test date or a concordant equivalent score on the SAT on any single SAT test date, if the student completed high school in a Tennessee home school program or graduated from a high school located in Tennessee that is not an eligible high school;

(B) Pass the GED® tests with an average score of at least 525, the revised GED® tests with an average score of at least 170, or

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the HiSET® tests with an average score of at least 15, and attain a composite ACT score of at least 21 on any single ACT test date or a concordant equivalent score on the SAT on any single SAT test date; or

(C) Complete at least two (2) dual enrollment courses totaling at least six (6) semester hours credit at an eligible postsecondary institution and achieve a grade point average of at least 3.0 in each of two (2) dual enrollment courses and a cumulative grade point average of at least 3.0 in all dual enrollment courses attempted; and

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 468**SENATE BILL NO. 484****By Haile**

Substituted for: House Bill No. 582

By Terry, Ramsey, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4; Title 16, Chapter 22; Title 33; Title 38; Title 39, Chapter 17; Title 40; Title 41; Title 45; Title 50; Title 53; Title 63; Title 67 and Title 68, relative to controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-1-164]

SECTION 1. Tennessee Code Annotated, Section 63-1-164(f), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision:

(2) The commissioner shall include as part of the report required by subdivision (f)(1) an analysis of the impact of the COVID-19 pandemic on the following:

(A) The lawful, prescribed usage of opioids in this state;

(B) The unlawful diversion of opioids in this state;

(C) The ability of the department to collect data to determine the impacts and effects of the restrictions and limitations established by this section; and

(D) Whether the impacts and effects that were sought to be achieved through the implementation of the restrictions and limitations of this section are achievable by July 1, 2023.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 469**SENATE BILL NO. 501****By Lundberg**

Substituted for: House Bill No. 1396

By Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, relative to the educational services plan.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-7-824]

SECTION 1. Tennessee Code Annotated, Section 49-7-824, is amended by adding the following as a new subsection:

(d) Notwithstanding any law to the contrary, an educational services plan tuition contract shall not remain or otherwise be in effect after December 31, 2021, regardless of whether the requirements of subsection (b) are met with respect to any particular contract. The state shall provide educational services plan purchasers and beneficiaries with at least sixty (60) days written notice of the termination of the educational services plan prior to November 1, 2021. Notice must be provided using the contact information on file with the plan and indicate that the purchaser may request use of any or all tuition units associated with the purchaser's educational plan tuition contract, request a refund, or request a rollover on or before November 1, 2021. Any rollover requested pursuant to this subsection (d) must be administered in accordance with applicable federal and state laws, rules, and regulations. If the purchaser does not request use of all of the tuition units associated with the purchaser's educational services plan tuition contract, request a refund, or request a rollover on or before November 1, 2021, then a refund must be made to the person designated in the contract to receive the refund in accordance with applicable federal and state laws, rules, and regulations; provided, however, that the amount of the refund must be calculated in accordance with the board's rules for refunds following the death or permanent disability of a beneficiary. The educational services plan shall not reimburse tuition units after December 31, 2021.

[49-7-824]

SECTION 2. Tennessee Code Annotated, Section 49-7-824(c), is amended by deleting the subsection and substituting:

(c) After all obligations of this section and the costs of administering the plan are satisfied, the state treasurer may transfer all or a portion of any assets to the board of trustees for the college savings trust fund program to be used for the administration and marketing of the

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educational investment plan. Any assets remaining after the transfer must be transferred to the general fund.

[Effective date 5/18/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 470**SENATE BILL NO. 610****By Jackson**

Substituted for: House Billl No. 714

By Hurt

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, Part 2 and Title 7, Chapter 51, Part 17, relative to employees of local governments who have been arrested.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-51-1701]

SECTION 1. Tennessee Code Annotated, Section 7-51-1701, is amended by deleting the section and substituting instead the following:

(a) If a municipality or county has or implements a personnel policy that places an employee on leave for a period of time immediately following an arrest of the employee, the municipality or county shall implement a policy of restoring back pay to the employee if the charges are dropped or the employee is found not guilty of the charges. This requirement does not apply if the employee:

(1) Pleads guilty to the charges or enters into a plea agreement on the charges; or

(2) Separates from employment voluntarily before the charges are dropped or before the employee is found not guilty, or if the employee is administratively terminated for a reason other than the arrest.

(b) Public records related to an administrative action against an employee must be maintained for the applicable retention period and are not subject to destruction under § 40-32-101. Such public records are maintained solely for the purposes of documenting the administrative action and submissions in litigation.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 471**SENATE BILL NO. 630****By Lundberg**

Substituted for: House Bill No. 755

By White, Cepicky, Moody, Smith, Alexander, Terry, Todd

AN ACT to amend Tennessee Code Annotated, Section 49-6-2203 and Section 49-6-2206, relative to textbooks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-6-2203]

SECTION 1. Tennessee Code Annotated, Section 49-6-2203, is amended by deleting subsection (a) and substituting:

(a) The commission may promulgate rules establishing minimum manufacturing standards and specifications for textbooks and instructional materials and establishing the conditions under which the commission contracts with publishers. The commission may make contracts with the publishers for a period of no more than seventy-three (73) months. The commission may extend any existing contracts entered after April 27, 1984, for up to two (2) additional years if the commission notifies the affected publishers at least six (6) months prior to the beginning of the extension period. With the advice and consent of the state board of education, in order to implement the board's standards and courses of study, the commission may prescribe minimum content and reading level of textbooks and instructional materials.

[49-6-2206]

SECTION 2. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in

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emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-1111.

(b) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[49-6-2206]

SECTION 3. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-111.

(b)(1) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(2)(A) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

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(B) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 5/18/2021]

SECTION 4. Sections 1 and 2 of this act take effect upon becoming a law, the public welfare requiring it. Section 3 of this act takes effect July 1, 2021, at 12:01 a.m., the public welfare requiring it.

PUBLIC CHAPTER NO. 472**SENATE BILL NO. 656****By Bowling**

Substituted for: House Bill No. 616

By Rudder, Marsh, Doggett, Helton

AN ACT to amend Tennessee Code Annotated, Section 5-21-121, relative to county financial management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[5-21-121]

SECTION 1. Tennessee Code Annotated, Section 5-21-121, is amended by deleting subsection (a) and substituting instead the following:

(1) The director, purchasing agent, members of the committee, members of the county legislative body, other officials of the county, members of the board of education, members of the highway commission, and employees of the finance department and purchasing department shall not have a direct interest in the purchase of supplies, materials, equipment, or contractual services for the county. As used in this subdivision (a)(1):

(A) "Controlling interest" means sufficient ownership in a business or company to control policy and management, including the ownership or control of the largest number of outstanding shares owned by any single individual in a business or company; and

(B) "Direct interest" means a contract with a person personally or with a business in which the person is the proprietor, a partner, or the person having the controlling interest in the business.

(2) Such persons shall not have an indirect interest in the purchase of supplies, materials, equipment, or contractual services for the county unless the person publicly acknowledges the interest. A person who is not a member of a governing body and who is required to publicly acknowledge an indirect interest must do so by reporting the interest to the office of the county mayor to be compiled into a list that must be maintained as a public record. As used in this subdivision (a)(2), "indirect interest" means a contract in which a person is interested, but not directly so, and includes contracts where the person is directly interested and is the sole supplier of goods or services in the county.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 473**SENATE BILL NO. 664****By Gardenhire, Kyle, Bowling, Campbell**

Substituted for: House Bill No. 720

By Hakeem, Towns, Thompson, Dixie, Hodges, Helton, Griffey, Camper,
Miller, McKenzie

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 17, relative to
charitable gaming.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[3-17-102]

SECTION 1. Tennessee Code Annotated, Section 3-17-102(9)(A), is
amended by deleting the language:

“Type of lottery game” means a game of chance played by any
person eighteen (18) years of age or older, including raffles, reverse
raffles, cakewalks and cakewheels, but expressly prohibiting pulltabs,
punchboards, bingo, instant bingo, video lottery, instant and on-line
lottery games of a type operated by the Tennessee education lottery
corporation, keno and games of chance associated with casinos
including, but not limited to, slot machines, roulette wheels, and the
like;

and substituting instead the language:

“Type of lottery game” means a game of chance played by a person
eighteen (18) years of age or older, including bingo, raffles, reverse
raffles, cakewalks and cakewheels, but expressly prohibiting pulltabs,
punchboards, instant bingo, video lottery, instant and online lottery
games of a type operated by the Tennessee education lottery corporation,
keno and games of chance associated with casinos including, but not
limited to, slot machines, roulette wheels, and the like;

[3-17-115]

SECTION 2. Tennessee Code Annotated, Section 3-17-115, is amended by
adding the following as a new subsection:

(c) The secretary of state shall promulgate rules to regulate
bingo. The rules must include limits on prizes, prohibitions on hiring
entities to run the bingo games, requirements that the bingo games
be conducted by volunteers, and any other rules the secretary deems
necessary to maintain safety and fairness.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 474

SENATE BILL NO. 677

By Massey, Hensley, Powers, Gilmore, Haile, Akbari, Yarbrow

Substituted for: House Bill No. 598

By Hazlewood, White, Gary Hicks, Williams, Love, Hawk, Whitson, Ramsey,
Camper, Mannis, Miller, Jernigan, Smith, Helton, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 49
and Title 71, relative to the Tennessee child care task force.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-1-1110]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 11, is amended by adding the following language as a new section:

(a) There is created a Tennessee child care task force, to be administratively attached to the department of human services.

(b) The task force is created to recommend a strategic action plan to guide the administration and general assembly on how to:

(1) Address the challenges of quality, affordability, and accessibility of child care in this state;

(2) More effectively use public resources to address those challenges;

(3) Build partnerships between government and the business sector, through which businesses are motivated to create and participate in strategies that address the child care needs of their employees; and

(4) Streamline coordination between the department of human services, department of labor and workforce development, department of economic and community development, department of health, and department of education in developing solutions to the state's child care challenges.

(c) The task force is composed of fifteen (15) members as follows:

(1) The commissioner of human services;

(2) The commissioner of labor and workforce development, or the commissioner's designee;

(3) The commissioner of economic and community development, or the commissioner's designee;

(4) The commissioner of education, or the commissioner's designee;

(5) The commissioner of health, or the commissioner's designee;

(6) One (1) member of the senate to be appointed by the speaker of the senate;

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(7) One (1) member of the house of representatives to be appointed by the speaker of the house of representatives;

(8) Four (4) representatives from organizations representing the business community that do not provide direct child care services, two (2) of whom must be appointed by the speaker of the senate and two (2) of whom must be appointed by the speaker of the house of representatives; and

(9) Four (4) experienced providers of high-quality child care services, two (2) of whom must be appointed by the speaker of the senate and two (2) of whom must be appointed by the speaker of the house of representatives.

(d)(1) Members of the task force serve without compensation for their services, but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(2) Vacancies among the members of the task force must be filled in the same manner as in the original selection of members.

(3) The speaker of the senate and the speaker of the house of representatives in making appointments shall strive to ensure that members of the task force are inclusive and reflect the geographic, urban, rural, and economic diversity of this state and are diverse in race, sex, perspective, and experience.

(4) The commissioner of human services shall serve as chair, and shall call the first meeting of the task force no later than October 1, 2021, at which time the members shall elect a first vice chair and second vice chair from among the private sector members.

(5) The task force shall meet at least monthly. The chair may call special meetings whenever necessary for the transaction of business. The chair shall notify each member of the task force of any special meeting at least five (5) days before the time fixed for the special meeting. A majority of the members of the task force may petition the chair to call a special meeting, in which case the chair shall call a special meeting.

(6) The task force may conduct regular or special meetings by conference call or video conference in accordance with the requirements of § 8-44-108.

(e) The task force shall agree upon any findings and recommendations by a majority vote of the total membership of the task force. A majority of the members of the task force constitutes a quorum for the purpose of meeting and conducting business.

(f) The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(g) The task force has the responsibility to:

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(1) Develop a strategic action plan for increasing the availability of high-quality, affordable, and accessible child care in this state, specifically in the context of the impacts of COVID-19 on families, child care providers, employers, and communities in this state;

(2) In compliance with the purposes and requirements of the American Rescue Plan Act of 2021 (H.R. 1319), hire and oversee a strategic consulting firm to support the development of the strategic plan by examining the short-, medium-, and long-term impacts of COVID-19 on the demand for and availability of child care in this state, and strategies to support the existing network of child care providers and increase the supply of high quality, affordable, and accessible child care in communities where needed; and

(3) Identify resources across state government departments that could be streamlined, coordinated, and more effectively utilized to address child care challenges.

(h) The task force shall submit an interrim progress report of its findings and recommendations to the general assembly no later than July 1, 2022, and a final report of its findings and recommendations no later than December 31, 2022, at which time the task force will cease to exist. The final report must include:

(1) Findings and conclusions about child care needs in this state;

(2) The full strategic action plan, with executive summary; and

(3) Recommendations for legislation deemed necessary to implement the strategic plan.

(i) This section terminates on December 31, 2022, unless reenacted or extended by the general assembly prior to that date.

[Effective date 7/1/2021]

SECTION 2. For the purpose of making appointments, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 475**SENATE BILL NO. 688****By Massey**

Substituted for: House Bill No. 944

By Mannis, Wright

AN ACT to amend Tennessee Code Annotated, Title 8, relative to fees charged by clerks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-21-401]

SECTION 1. Tennessee Code Annotated, Section 8-21-401, is amended by deleting subsection (n).

[8-21-409]

SECTION 2. Tennessee Code Annotated, Section 8-21-409(a), is amended by deleting the subsection.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 476**SENATE BILL NO. 702****By Powers**

Substituted for: House Bill No. 1284

By Ramsey, Beck, Marsh, Helton, Freeman

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 5, relative to dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[63-5-111]

SECTION 1. Tennessee Code Annotated, Section 63-5-111, is amended by deleting subsection (a) and substituting:

(a)(1) The board may conduct examinations at such times and places as it may designate and charge each examinee a fee for each examination taken as set annually by the board.

(2) In addition to examinations conducted pursuant to subdivision (a)(1), the board shall recognize a certificate granted by the American Dental Association's Commission on National Board Dental Examinations and may accept the results of its own board examination or the results of an examination conducted by one (1) or more of the regional testing agencies.

(3) An examination described in this subsection (a) may be written or oral, or both; shall include subjects as may be designated by the board; and may also include practical tests, working operations, and demonstrations, within the discretion of the board. An examination may be conducted on a live human patient or a non-patient- based model may be used.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming at law, the public welfare requiring it.

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SENATE BILL NO. 772

By Johnson, Kelsey, Rose, Akbari, Walley

Substituted for: House Bill No. 773

By Lamberth, Gant, White, Vaughan, Gillespie, Leatherwood, Parkinson,
Chism, Thompson, Camper, Miller

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to
aviation fuel taxation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[67-6-217]

SECTION 1. Tennessee Code Annotated, Section 67-6-217, is amended by
deleting the section and substituting instead:

(a) Notwithstanding other provisions of this chapter, tax imposed
with respect to the sale, the use, the consumption, the distribution,
and the storage of aviation fuel that is actually used in the operation of
airplane or aircraft motors, shall be at the rate of four and one-quarter
percent (4.25%).

(b)(1) For purposes of this section:

(A) "Air carrier" means any person, firm, corporation, or
entity providing air transportation of passengers or property;

(B) "Tax year" means a period beginning on July 1 and
ending on the following June 30; and

(C) "Transportation hub" means a location in this state
from which there originates fifty (50) or more flight departures five (5)
days per week for six (6) or more months during the calendar year and
where passengers or property are regularly exchanged at the location
between flights of the same or a different certificated or licensed air
carrier.

(2) The tax imposed and remitted on a person's purchase, use,
consumption, or storage of aviation fuel, pursuant to subsection (a),
that is used in the operation of an aircraft of a certificated or licensed
air carrier with a transportation hub within this state, shall not exceed
the following:

(A) Eight million five hundred thousand dollars (\$8,500,000)
for the period of July 1, 2021, through June 30, 2022; and

(B) Five million dollars (\$5,000,000) for any tax year
occurring on or after July 1, 2022.

(3) The commissioner shall establish a process for applying the
cap provided by this subsection (b).

(c) The transportation equity trust fund must be reimbursed for
decreased aviation fuel tax revenue resulting from any public act

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passed by the general assembly after January 1, 2021, in an amount equal to the estimated decrease in tax revenue as reflected in the fiscal note prepared for such legislation by the fiscal review committee in accordance with § 3-2-107. Any reimbursement to the transportation equity trust fund in accordance with this subsection (c) must be made from the general fund, subject to appropriation by the general assembly in the annual general appropriations act.

(d) On or before December 31 each year, the department of finance and administration shall report in writing to the chairs of the finance, ways and means committees of the senate and the house of representatives, the chair of the transportation committee of the house of representatives, and the chair of the transportation and safety committee of the senate, the total amount of tax revenues collected pursuant to this section for the preceding fiscal year.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

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SENATE BILL NO. 778

By Johnson, Bell, Yager, Massey, Walley, White, Reeves, Bowling, Crowe, Haile, Akbari, Bailey, Briggs, Gardenhire, Hensley, Jackson, Pody, Powers, Rose, Southerland, Stevens, Mr. Speaker McNally

Substituted for: House Bill No. 772

By Lamberth, Gant, Russell, Griffey, Moon, Moody, Williams, Jerry Sexton, Todd, Sherrell, Powers, Hardaway, Ogles, Grills, Hall, Hurt, Haston, Eldridge, Littleton, Whitson, Doggett, Mannis, Cochran, Miller, Helton, Hawk, Cepicky, Warner, Thompson, Hakeem

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 24, Part 2, relative to volunteer firefighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-24-201]

SECTION 1. Tennessee Code Annotated, Section 4-24-201, is amended by deleting the section and substituting instead the following:

As used in this part, unless the context otherwise requires:

(1) "Commission" means the commission on firefighting personnel standards and education created by this chapter;

(2) "Fire department" means a department of a municipality, county, or political subdivision, or an organization, agency, or entity that offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes. "Fire department" does not mean law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection;

(3) "Firefighter" means a person in the employ of a unit of government fire department that is registered and recognized by the state fire marshal and is required to extinguish and control fires or fire-related incidents; and

(4) "Volunteer firefighter" means a person who volunteers with a county, municipal, or nonprofit fire department that is registered and recognized by the state fire marshal and who is required to extinguish and control fires or fire-related incidents.

[4-24-202]

SECTION 2. Tennessee Code Annotated, Section 4-24-202, is amended by deleting subsection (a) and substituting instead the following:

(a)(1) A fire department with employed firefighters who successfully complete in each year an in-service training course, appropriate to the

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firefighter's rank and responsibility and the size and location of the firefighter's department, of at least forty (40) hours duration at a school certified or established by the commission is entitled to receive a pay supplement of eight hundred dollars (\$800) from the commission to be paid to the firefighter in addition to the firefighter's regular salary.

(2) A fire department with volunteer firefighters who successfully complete in each year an in-service training course, appropriate to the volunteer firefighter's rank and responsibility and the size and location of the volunteer firefighter's department, of at least thirty (30) hours duration at a school certified or established by the commission is entitled to receive payment of six hundred dollars (\$600) from the commission to be paid to the volunteer firefighter in addition to the volunteer firefighter's other compensation.

(3) A person is only eligible to receive payment under subdivision (a)(1) or (a)(2), whichever is greater, for successful completion of the person's annual in-service course.

[Effective date 7/1/2021]

SECTION 3. For the purpose of promulgating rules, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021.

PUBLIC CHAPTER NO. 479**SENATE BILL NO. 788****By Lundberg, White**

Substituted for: House Bill No. 1305

By White, Hardaway, Smith, Hazlewood, Todd, Grills, Reedy, Calfee, Moody,
Terry, Lynn

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1; Title 49,
Chapter 2 and Title 49, Chapter 6, relative to open enrollment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-2-128]

SECTION 1. Tennessee Code Annotated, Section 49-2-128, is amended by
deleting the section and substituting instead:

(a) Before the start of each school year, an LEA shall identify each school that, based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students. In determining available space at the class level, an LEA may use the class size averages specified in § 49-1-104.

(b)(1) An LEA shall post the number of spaces available for enrollment in each school by grade, class, and program levels on the LEA's website at least fourteen (14) days before the beginning of the open enrollment period under subsection (c). An LEA shall not include in the number of spaces available for enrollment under this subdivision (b)(1) the number of enrollment spaces that are reserved by the LEA pursuant to subdivision (b)(2).

(2) An LEA may reserve a reasonable number of enrollment spaces each school year from the number of spaces, if any, determined by the LEA to be available for enrollment for purposes of this section, to accommodate the potential enrollment of students who may relocate within the respective school zone, students who may have a sibling enrolled at the respective school, and students who may have a parent who teaches at the respective school.

(c) Before the start of each school year, each LEA shall conduct an open enrollment period of at least thirty (30) days during which a parent or guardian of a student residing within the LEA may apply for enrollment of the parent's or guardian's student in a school that the student is not zoned to attend. During the open enrollment period, a parent or guardian may submit an application for transfer to a school identified by the LEA as having space available to enroll and serve additional students.

(d) At the end of the open enrollment period, an LEA shall approve an application for transfer if space is available for the student at the requested school. If the number of applications for transfer to a school

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exceeds the number of spaces available for enrollment in the school at the building, grade, class, or program level, as identified by the LEA according to subsection (b), then the LEA shall conduct a lottery to select the students who may transfer to the school.

(e) If an LEA grants a transfer to a student, then the parent or guardian of the student is responsible for transportation to the new school. The student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

(f)(1) An LEA shall not deny a student who is zoned to attend or who was enrolled in a school during the previous school year enrollment and attendance in the school.

(2)(A) An LEA shall not admit a nonresident student seeking to transfer into the LEA from outside the LEA under §§ 49-6-3104 and 49-6-3105 before all applications for transfer under subsection (c) have been acted upon according to subsection (d).

(B) Notwithstanding subdivision (f)(2)(A), an LEA may enroll a nonresident student pursuant to § 49-6-3113 before all applications for transfer under subsection (c) have been acted upon according to subsection (d).

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2022-2023 school year and each school year thereafter.

PUBLIC CHAPTER NO. 480**SENATE BILL NO. 883****By Stevens**

Substituted for: House Bill No. 913

By Casada, Williams, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 67, relative to tax refunds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-1-1802]

SECTION 1. Tennessee Code Annotated, Section 67-1-1802(a)(1)(A), is amended by deleting the following sentence:

Sales or use taxes which were collected from or passed on to customers by the taxpayer shall not be refunded, unless the taxpayer has refunded or credited the sales or use tax to its customers.

[67-1-1802]

SECTION 2. Tennessee Code Annotated, Section 67-1-1802, is amended by inserting the following as a new subsection:

(e)(1) As used in this section, "taxpayer" means:

(A) A dealer as defined in § 67-6-102 that remitted the sales or use taxes to the commissioner;

(B) A person that paid the sales or use taxes to a dealer that collected and remitted such taxes to the commissioner, if:

(i) The person requested a refund from the dealer on at least two (2) separate occasions and the dealer failed or declined to issue the refund; and

(ii) The dealer attests to the following under penalty of perjury on a form prescribed by the commissioner:

(a) The taxes were remitted to the department by the dealer, including the amount and the date remitted;

(b) The dealer has not claimed and will not claim a refund of such taxes;

(c) The dealer has not taken and will not take a credit for such taxes;

(d) The dealer's sales and use tax account number; and

(e) The local jurisdiction or jurisdictions for which any local sales tax included in the refund claim was collected and remitted; or

(C) A person that paid sales or use taxes to a dealer that collected and remitted such taxes to the commissioner, if:

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(i) The person requested a refund from the dealer on at least two (2) separate occasions and the dealer failed or declined to issue the refund; and

(ii) The person reasonably attempted but was unable to obtain an attestation from the dealer as required under subdivision (e) (1)(B)(ii); provided, however, a refund shall not be issued to a taxpayer that files a claim for refund under this subdivision (e)(1)(C) unless the commissioner, in the commissioner's discretion, determines that sufficient information is reasonably available to verify that the taxes were remitted by the dealer to the department, that the dealer has not claimed a refund of such taxes, that the dealer has not taken a credit for such taxes, the dealer's sales and use tax account number, and the local jurisdiction or jurisdictions for which any local sales tax included in the refund claim was collected and remitted. For purposes of this subdivision (e)(1)(C)(ii), a purchaser who contacts the dealer in writing at least twice at least ninety (90) days prior to the expiration of the statute of limitations for requesting such refund is deemed to have made a reasonable attempt to obtain the dealer's attestation.

(2) For a taxpayer as defined in subdivision (e)(1)(B) or (e)(1)(C) to file a claim for refund under this subsection (e), the amount of the claim for refund to be filed by such taxpayer must exceed two thousand five hundred dollars (\$2,500) per dealer.

(3) Any refund claimed by a taxpayer must otherwise meet the requirements of this section.

(4) Sales or use taxes that were collected from or passed on to customers by a taxpayer as defined in subdivision (e)(1)(A) shall not be refunded unless the taxpayer has refunded or credited the sales or use tax to its customers.

[Effective date 10/1/2021]

SECTION 3. This act takes effect on October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 481**SENATE BILL NO. 897****By Stevens, Crowe**

Substituted for: House Bill No. 496

By Hazlewood, McKenzie

AN ACT to amend Tennessee Code Annotated, Title 3; Title 48; Title 63 and Title 67, relative to taxation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-103]

SECTION 1. Tennessee Code Annotated, Section 67-6-103(a)(3)(B)(v), is amended by deleting subdivision (b) in its entirety, and substituting instead the following:

(b) During the 2021-2022 fiscal year, for any amounts that would have been paid under subdivisions (a)(3)(B)(i)-(iv) but for the limitation in subdivision (a)(3)(B)(v)(a), those amounts must be allocated as follows:

(1) Fifty percent (50%) to the county in which the municipality is located, for use by the county for educational purposes; and

(2) Fifty percent (50%) to the municipality where the sale occurred;

(c) During the 2022-2023 fiscal year and subsequent fiscal years, for any amounts that would have been paid under subdivisions (a)(3)(B)(i)-(iv) but for the limitation in subdivision (a)(3)(B)(v)(a), those amounts must be allocated as follows:

(1) Fifty percent (50%) to the county in which the municipality is located, for use by the county for educational purposes;

(2) Twenty-five percent (25%) to the municipality where the sale occurred; and

(3) Twenty-five percent (25%) to the state general fund;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 482

SENATE BILL NO. 1075

By Roberts, Rose, Pody

Substituted for: House Bill No. 887

By Calfee, Ragan, Tim Hicks, Smith, Thompson

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 11, relative to the department of environment and conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[11-1-118]

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 1, is amended by adding the following as a new section:

The commissioner of environment and conservation shall promulgate rules that take effect by July 1, 2021, to create a commercial use authorization to allow persons wanting to engage in commercial activities at one (1) or more state parks or state natural areas to obtain a permit to do so. The rules must include fees structured to promote park self-sufficiency and economic development.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 483**SENATE BILL NO. 1076****By Roberts**

Substituted for: House Bill No. 495

By Ragan

AN ACT relative to agency rules scheduled to expire pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-226]

SECTION 1.

(a) All permanent rules filed in the office of secretary of state after January 1, 2020, that are in effect on the effective date of this act, and that are scheduled for expiration under § 4-5-226, on June 30, 2021, do not expire on June 30, 2021, but remain in effect until repealed or amended by subsequent rule of the appropriate rulemaking agency or until otherwise superseded by legislative enactment.

(b) This section is not to be construed to justify the continued effectiveness of any rule that will remain in effect under subsection (a) if the rule conflicts with the provisions of any legislative enactment other than the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

[Effective date 5/18/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 484**SENATE BILL NO. 1105****By Yarbrow, Akbari**

Substituted for: House Bill No. 996

By Love

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 68 and Title 71, relative to child care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-1-130]

SECTION 1. Tennessee Code Annotated, Section 71-1-130, is amended by adding the following as a new subsection:

(1) The department may utilize an enrollment-based child care subsidy payments program that complies with all applicable federal funding requirements and legal authority and that seeks to provide adequate, stable payments to providers of child care services under this section by establishing effective payment practices based upon accurate time and attendance systems.

(2) The department shall consider program standards, such as, but not limited to, the following:

(A) The child's developmental and educational goals when authorizing care periods eligible for reimbursement;

(B) Accommodation of variable parent schedules;

(C) Authorizing pay based upon enrollment rather than attendance;

(D) Using a range of hours to determine authorized care amounts; and

(E) Simplifying and streamlining payment processes with providers.

(3) The department shall publish on the department's publicly accessible website an overview of child care services and the methodology used to issue payments to providers of child care services, including any changes to the methodology during the previous year, if applicable.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 485**SENATE BILL NO. 1111****By Niceley**

Substituted for: House Bill No. 965

By Bricken

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 104, relative to fireworks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-104-102]

SECTION 1. Tennessee Code Annotated, Section 68-104-102(c), is amended by designating the existing language as subdivision (1) and adding the following as subdivision (2):

(2) The state fire marshal shall verify that an applicant for a permit under this chapter is locally licensed, as described in § 68-104-106, to do business in this state and is registered with the department of revenue prior to issuing the permit.

[Effective date 10/1/2021]

SECTION 2. This act takes effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 486**SENATE BILL NO. 1114****By White, Yager, Bowling**

Substituted for: House Bill No. 171

By Sparks, Moon, Griffey, Russell, Ogles, Gillespie, Towns, Sherrell, Stewart, Windle, Doggett, Eldridge, Hurt, Jernigan, Keisling, Todd, Carr, Mitchell, Cepicky, Helton, Moody, Clemmons, Powell, Hawk, Whitson, Thompson, Miller, Littleton, Smith, Crawford, Hakeem

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 36, relative to early service retirement for correctional officers employed by local governments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-36-310]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 3, is amended by adding the following new section:

(a) Notwithstanding this part or any law to the contrary, a correctional officer employed by a local government who is a member of the retirement system, regardless of the correctional officer's participation in the legacy pension plan, the hybrid plan, or another alternative plan, is eligible for early service retirement upon attainment of twenty-five (25) years of creditable service. The retirement allowance, as provided under this section, must be computed as the actuarial equivalent of the benefit that would have been payable under a service retirement allowance.

(b) A correctional officer is not required to retire pursuant to subsection (a). Subsection (a) applies only to correctional officers who retire on or after the effective date of this act and does not constitute a change in formula under § 8-36-702.

(c)(1) The respective local government may require a correctional officer who voluntarily chooses to retire pursuant to subsection (a) to pay a pro rata share of the cost of any insurance coverage otherwise provided to members who are one hundred percent (100%) vested in the service retirement benefit pursuant to § 8-36-201 based on the time the correctional officer voluntarily chooses to retire pursuant to subsection (a) until the date that the correctional officer would have become one hundred percent (100%) vested in the service retirement benefit pursuant to § 8-36-201.

(2) A correctional officer who voluntarily chooses to retire pursuant to subsection (a) is entitled to insurance coverage otherwise provided to members who are one hundred percent (100%) vested in the member's service retirement benefit pursuant to § 8-36-201 on the date

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that the correctional officer would have become one hundred percent (100%) vested in the service retirement benefit pursuant to § 8-36-201.

[8-36-205]

SECTION 2. Tennessee Code Annotated, Section 8-36-205(a)(2), is amended by deleting the language “firefighters or police officers” and substituting instead “firefighters, police officers, or correctional officers”; and is further amended by deleting “firefighters and police officers” and substituting instead “firefighters, police officers, and correctional officers”; and is further amended by deleting “firefighter or police officer” and substituting instead “firefighter, police officer, or correctional officer”; and is further amended by deleting the language “within the police or fire department” wherever it may appear and substituting instead “within their respective agency”.

[Effective date 1/1/2022]

SECTION 3. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 487**SENATE BILL NO. 1120****By White**

Substituted for: House Bill No. 1179

By Moody; Mr. Speaker Cameron Sexton; White, Todd

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10, relative to political campaign committees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[2-10-110]

SECTION 1. Tennessee Code Annotated, Section 2-10-110(f), is amended by adding the following as a new subdivision:

() If a civil penalty lawfully assessed under this part against a multicandidate political campaign committee is not paid within thirty (30) days after the assessment becomes final, the treasurer and the officers of the multicandidate political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e)(2) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

[2-10-308]

SECTION 2. Tennessee Code Annotated, Section 2-10-308, is amended by adding the following as a new subsection:

() If a civil penalty lawfully assessed under this part against a multicandidate political campaign committee is not paid within thirty (30) days after the assessment becomes final, the treasurer and the officers of the multicandidate political campaign committee listed on the forms on file with the registry pursuant to § 2-10-105(e)(2) at the time the conduct that gave rise to the civil penalty occurred are ineligible to qualify for election to a state or local public office until the penalty is paid.

[2-10-312]

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 10, Part 3, is amended by adding the following as a new section:

Notwithstanding any other law to the contrary, with regard to any candidate for senate, the limits in § 2-10-302(b)(1) and (c)(1) (B) must reset every two (2) years in the same manner the house of representatives' limit resets; provided, however, that the candidate has a total of four (4) years to accumulate the total amount allowed by having the limit reset every two (2) years. Any candidate running for

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senate must have the same limits as any candidate in the same race who has accumulated limits under this section.

[2-10-302]

SECTION 4. Tennessee Code Annotated, Section 2-10-302(b)(1), is amended by deleting the language “statewide election or the senate” and substituting instead the language “statewide election, the senate, or the house of representatives”.

[Effective date 5/18/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

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SENATE BILL NO. 1187

By Jackson

Substituted for: House Bill No. 1140

By Grills, Todd, Hazlewood

AN ACT to amend Tennessee Code Annotated, Chapter 222 of the Public Acts of 1983, and any other acts amendatory thereto, relative to Reelfoot Lake Regional Utility and Planning District.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 16 of Chapter 222 of the Public Acts of 1983, and any other acts amendatory thereto, is amended by deleting “One Thousand Dollars (\$1,000.00) per annum” and substituting instead “two hundred dollars (\$200) per month”.

[Effective date 5/18/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 489

SENATE BILL NO. 1380

**By Bell, Akbari, Briggs, Campbell, Gilmore, Jackson, Kyle, Massey,
Walley, Yager, Yarbrow**

Substituted for: House Bill No. 1406

By Curcio, Love, Hardaway, Dixie, Lamar, Parkinson, Harris, Beck,
McKenzie, Faison, Warner, Smith, Terry, Powell, Clemmons, Jernigan,
Camper, Miller

AN ACT to amend Tennessee Code Annotated, Title 38; Title 39 and Title 40,
relative to criminal justice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[38-3-121]

SECTION 1. Tennessee Code Annotated, Section 38-3-121, is amended by deleting the section and substituting the following:

A law enforcement officer shall not use a choke hold, as defined in § 38-8-101, with or without the use of a police baton, on any person unless the officer reasonably believes that deadly force is authorized pursuant to § 39-11-620.

[38-3-101]

SECTION 2. Tennessee Code Annotated, Section 38-8-101, is amended by adding the following language as a new subdivision:

() “Choke hold” means an intentional use of pressure or constriction to the neck, throat, or windpipe intended to inhibit breathing;

[38-8-113]

SECTION 3. Tennessee Code Annotated, Section 38-8-113, is amended by deleting the section and substituting the following:

Use of a choke hold, with or without the use of a police baton, must be taught to candidates at state law enforcement training facilities as a method of restraint to be used only if the officer reasonably believes that deadly force is authorized pursuant to § 39-11-620.

[38-8-128; 38-8-129; 38-8-130; 38-8-131]

SECTION 4. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as new sections:

38-8-127. De-escalation.

By January 1, 2022, each law enforcement agency shall develop a policy regarding de-escalation. Each agency shall provide training to officers on de-escalation techniques, including, but not limited to:

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(1) Verbal de-escalation and the effective delivery of verbal instructions to prevent the need for physical use of force;

(2) Application of reasonable and proportional use of force based upon the totality of the circumstances;

(3) De-escalation in circumstances of decreased resistance or compliance by a subject;

(4) Allowing a suspect time to submit to arrest before force is used, when possible; and

(5) Tactical repositioning, requesting additional personnel, and other similar techniques to decrease the need for physical use of force.

38-8-128. Duty to intervene.

(a) A law enforcement officer who directly observes or has knowledge of excessive use of force by another law enforcement officer in violation of state or federal law shall, within the officer's scope of training, knowledge, and authority, intervene when the officer has an opportunity and means to prevent the harm from occurring. A law enforcement officer who intervenes during an excessive force incident shall report the circumstances to a supervisor as soon as practical.

(b) A law enforcement officer who has direct knowledge of excessive use of force by another law enforcement officer in violation of state or federal law shall, as soon as practical, report the excessive use of force to a supervisor.

(c) A law enforcement agency is prohibited from retaliating against any officer who intervenes against excessive use of force, reports excessive use of force, or cooperates in an internal investigation related to the excessive use of force.

38-8-129. Shooting at moving vehicles.

By January 1, 2022, each law enforcement agency shall develop a policy that limits the circumstances under which an officer may discharge a firearm at or from a moving vehicle, motorcycle, or bicycle to when the officer reasonably believes that deadly force is authorized as provided in § 39-11-620.

38-8-130. Use of force reporting.

(a) By January 1, 2022, each law enforcement agency shall establish a use of force reporting system that allows for the agency to effectively review and analyze all use of force incidents.

(b) The reporting system must be designed to help the agency identify trends, improve officer training and safety, collect data, and provide timely and accurate information.

(c) By January 1, 2022, each law enforcement agency shall implement the use of force reporting system established pursuant to subsection (a) to collect data on use of force incidents.

(d) Beginning January 1, 2022, each law enforcement agency shall report monthly to the Tennessee bureau of investigation all use of force data consistent with the requirements, definitions, and methods of the

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federal bureau of investigation's National Use of Force Data Collection. The bureau shall compile the information reported by each agency pursuant to this subsection (d) and submit an annual report to the chair of the judiciary committee of the senate and the chair of the criminal justice committee of the house of representatives by July 1, 2023, and by July 1 of each year thereafter. The report must include statewide and countywide aggregate data, but must not include any personally identifying information of law enforcement officers. The bureau shall also make the report available to the public on the bureau's website.

SECTION 5. Tennessee Code Annotated, Section 40-6-105, is amended by deleting the section and substituting the following:

40-6-105.

(a) The magistrate, if satisfied of the existence of the grounds of the application, or that there is probable ground to believe their existence, shall issue a search warrant signed by the magistrate, directed to the sheriff, any constable, or any peace officer, commanding the sheriff, constable, or peace officer immediately to search the person or place named for the property specified, and to bring it before the magistrate.

(b) A magistrate shall not issue a "no knock" search warrant, which expressly authorizes a peace officer to dispense with the requirement to knock and announce the peace officer's presence prior to execution of the warrant.

SECTION 6. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 5/18/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 490**HOUSE BILL NO. 74****By Representatives Lamberth, Gant, White, Hardaway**

Substituted for: Senate Bill No. 737

By Senators Johnson, Haile

AN ACT to amend Tennessee Code Annotated, Section 49-1-614, relative to the achievement school district.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-1-614]

SECTION 1. Tennessee Code Annotated, Section 49-1-614(c), is amended by deleting subdivision (3) and substituting the following:

(3) Prior to the assignment of a school to the ASD, the commissioner shall consider geographic clusters of qualifying schools, feeder patterns, and previous LEA- led interventions with multiple eligible schools.

[49-1-614]

SECTION 2. Tennessee Code Annotated, Section 49-1-614(d)(1), is amended by adding the word "other" immediately before the language "ESEA".

[49-1-614]

SECTION 3. Tennessee Code Annotated, Section 49-1-614(k), is amended by deleting subdivision (1) and substituting the following:

(1)

(A) A school that has been removed from the LEA and placed in the ASD must remain in the ASD until the school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning with the 2017 priority school list; provided, however, that a school shall not remain in the ASD for more than a ten-year period.

(B) Prior to a school exiting the ASD, the commissioner, in consultation with the LEA or the Tennessee public charter school commission, as appropriate, shall develop and approve a school transition plan for determining the school's exit from the ASD. The transition plan shall include a communication protocol for notifying the parents of students who currently attend ASD schools of the student's future school enrollment options.

(C) Notwithstanding subdivision (k)(1)(A), if the LEA is identified as an LEA earning the lowest accountability determination pursuant to § 49-1-602(a) and the parents of at least sixty percent (60%) of the students enrolled at the school demonstrate support

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for remaining in the ASD by signing a petition, then the school may remain in the ASD beyond the initial ten-year period.

[49-1-614]

SECTION 4. Tennessee Code Annotated, Section 49-1-614(k), is amended by deleting subdivisions (2)-(4) and substituting the following:

(2) Notwithstanding subdivision (k)(1) or any other provision to the contrary, the commissioner may determine that a school that entered the ASD and is operated as a charter school through authorization by the ASD pursuant to § 49-13-106, may exit the ASD prior to the expiration of the charter school's initial ASD charter agreement. The commissioner's determination must be based on metrics, including, but not limited to, the ASD's school performance framework (SPF) and school accountability results publicly reported on the department's website annually and must specify whether:

(A) The ASD-authorized charter school must apply to the LEA for authorization under § 49-13-107 before its initial ASD charter agreement expires; or

(B) The ASD-authorized charter school may apply to the Tennessee public charter school commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement. If the commission grants the ASD-authorized charter school a new charter agreement, then the commission may agree to the assignment of all rights and obligations of the ASD, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the LEA's school building for the duration of that charter agreement. Upon the expiration of the initial charter agreement with the commission, the charter school may apply to renew the charter agreement with the commission or apply to the LEA for a charter agreement. If a renewal is approved by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the LEA's school building for at least three (3) years, or to purchase the building from the LEA at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the lease period expires, if the LEA determines to sell the school building the charter school operator is leasing, the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease. For purposes of this subsection (k), "fair market value" or "fair market rental value" is determined by the LEA and the charter school operator each procuring a separate appraisal of the property. If the LEA and charter school operator do not mutually agree to use either of the two (2) appraisals, or an average of the two (2) appraisals, to establish fair market value or fair market

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rental value, then the LEA or charter school operator may request an additional appraisal conducted by a party agreed upon by the LEA's and the charter school operator's selected appraisers to determine the fair market value or fair market rental value, as applicable. The cost of the additional appraisal must be shared by the parties.

(3) Except as provided in subdivisions (k)(2) and (k)(4), ASD-authorized charter schools must remain under the authority of the ASD for the duration of their initial ASD charter agreements. Upon expiration of an ASD charter agreement, the school must exit the ASD and the school building must be returned to the LEA. The governing body of the charter school may apply for a new charter agreement with the LEA according to § 49-13-107. The LEA must approve or deny the charter application pursuant to § 49-13-108.

(4) After an ASD school improves student performance such that the school is no longer identified as a priority school for two (2) consecutive cycles as referenced in (k)(1), the commissioner, in consultation with the LEA, shall implement the transition plan developed and approved by the commissioner pursuant to subdivision (k)(1)(B). If, at any time, an ASD-authorized charter school meets the priority exit criteria set forth in the state's accountability model, then the school may apply to the LEA or the commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement. If the commission grants the ASD-authorized charter school a new charter agreement, then the commission may agree to the assignment of all rights and obligations of the ASD, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the LEA's school building for the duration of the charter agreement. Upon expiration of the new charter agreement with the commission, the charter school may apply to the commission to renew its charter agreement. If the charter agreement is renewed by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the building for at least three (3) years, or to purchase the building at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the lease period expires, if the LEA determines to sell the school building the charter school operator is leasing, the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease.

(5) Notwithstanding subdivision (k)(2)(B), an ASD-authorized charter school shall not apply directly to the commission for approval of a charter agreement prior to the 2022-2023 school year.

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(6) Notwithstanding subdivisions (k)(1)-(4) or any other provision to the contrary, the commissioner may remove any school from the jurisdiction of the ASD at any time.

[49-1-614]

SECTION 5. The Tennessee public charter school commission is authorized to promulgate rules, including emergency rules, to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 5/24/2021]

SECTION 6. This act takes effect upon becoming law, the public welfare requiring it.

PUBLIC CHAPTER NO. 491**HOUSE BILL NO. 1132**

**By Representatives Farmer, Lamberth, Marsh, Hazlewood, Carr,
Powers, White**

Substituted for: Senate Bill No. 558

By Senator Haile

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 9; Title 20; Title 29; Title 33; Title 47; Title 53; Title 68 and Title 71, relative to the opioid crisis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 9, ch. 4, part 13]

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 4, is amended by adding Section 2 as a new, appropriately designated part.

[9-4-1301; 9-4-1302; 9-4-1303; 9-4-1304; 9-4-1305]

SECTION 2.

(a) The opioid abatement fund is established and funded pursuant to this section.

(b) The opioid abatement fund shall operate as an irrevocable trust that the state treasurer shall administer. Amounts in the opioid abatement fund shall not revert to the general fund of the state. The treasurer and attorney general and reporter shall approve the terms of the trust instrument. The terms of the trust instrument shall not be substantively amended except by unanimous approval of the trustees, the opioid abatement council established pursuant to SECTION 6 of this act, and the attorney general and reporter.

(c)

(1) Funds in the opioid abatement fund shall be spent only for the following purposes:

(A) Prospective opioid abatement and remediation;

(B) Expenses incurred in administering and operating the opioid abatement council;

(C) Related expenses as provided in SECTION 7(b); and

(D) Expenses associated with administering, investing, and disbursing funds held in the opioid abatement fund.

(2) Funds in the opioid abatement fund shall not be used to reimburse expenditures incurred prior to the effective date of this act. Funds from the opioid abatement fund shall not be used to pay litigation costs, expenses, or attorney fees arising from the enforcement of legal claims related to the opioid epidemic.

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(3) Any opioid abatement fund disbursements must be made at the direction of the opioid abatement council. Except to the extent required by law, the trustees of the opioid abatement fund shall not make or refuse to make any disbursement contrary to the direction of the opioid abatement council.

(d)

(1) The trustees of the opioid abatement fund are:

(A) The commissioner of finance and administration;

(B) The state treasurer; and

(C) The chair of the opioid abatement council.

(2) The state treasurer shall serve as the chair of the trustees and shall preside over all meetings and proceedings of the trustees.

(3) To the extent not prohibited by law, the trustees shall not act contrary to the direction of the opioid abatement council and shall uphold the decisions the council renders regarding disbursement of funds from the opioid abatement fund. The trustees have only a ministerial role and not a discretionary role in the distribution of funds, as directed by the opioid abatement council. The trustees have no duties concerning the opioid abatement fund other than those duties set forth in the opioid abatement fund's trust instrument and in this part.

(e) The opioid abatement fund is the designated repository of funds that are either dedicated to opioid abatement or remediation or are otherwise directed to abatement or remediation and that are received by the state pursuant to a judgment on opioid-related claims, a recovery in bankruptcy on opioid-related claims, or a settlement of opioid-related claims. This subsection (e) does not prevent the opioid abatement fund from also receiving funds from other sources if the funds will be dedicated to abatement.

(f)

(1) The trustees shall adopt, in writing, an investment policy or policies authorizing how assets in the trust may be invested prior to investments being made.

(2) Funds in the opioid abatement fund may be invested and reinvested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. The trustees shall delegate to the state treasurer the responsibility for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees.

(3) All or a portion of the trust may be invested, reinvested, and coinvested with other funds, not a part of the trust, which are held by the state treasurer, including, but not limited to, assets of the state pooled investment fund established pursuant to part 6 of this chapter. The state treasurer shall account for the trust funds in one (1) or more separate accounts in accordance with this section or other law.

[T. 33, ch. 11]

SECTION 3. Tennessee Code Annotated, Title 33, is amended by adding Sections 4 through 9 as a new, appropriately designated chapter.

[33-11-101]

SECTION 4. This chapter is known and may be cited as the “Opioid Abatement Council Act.”

[33-11-102]

SECTION 5. As used in this chapter:

(1) “Commissioner” means the commissioner of mental health and substance abuse services;

(2) “Council” means the Tennessee opioid abatement council;

(3) “Department” means the department of mental health and substance abuse services;

(4) “Director” means the executive director of the council;

(5) “Opioid abatement and remediation purposes” means programs, strategies, expenditures, and other actions designed to prevent and address the misuse and abuse of opioid products and treat or mitigate opioid use or related disorders or other effects of the opioid epidemic;

(6) “Opioid abatement fund” means the fund created by SECTION 2 of this act;

(7) “State-subdivision opioid abatement agreement” means an agreement entered into by the state and one (1) or more political subdivisions of the state that addresses the allocation of funds dedicated to opioid abatement and remediation; and

(8) “Statewide opioid settlement agreement” means a settlement agreement entered into by the state and one (1) or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which political subdivision claims are addressed. A copy of the agreement, including any amendments thereto, must be kept on the website of the attorney general and reporter.

[33-11-103]

SECTION 6.

(a) There is created the Tennessee opioid abatement council.

(b) The council is composed of fifteen (15) voting members and one nonvoting ex-officio member. The commissioner or the commissioner’s designee shall serve as the nonvoting ex-officio member. Voting members must be residents of this state and have expertise and a minimum of ten (10) years of experience in public health policy, medicine, substance use disorder and addiction treatment, mental health

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services, drug misuse prevention programs, or drug court diversion or other programs in which people with substance use disorders interact with first responders, law enforcement, or the criminal justice system. A member shall not serve more than two (2) terms consecutively but may be reappointed to the council after not serving as a member for two (2) or more years.

(c) The council shall be appointed as follows:

(1) The governor shall appoint four (4) members, including the chair;

(2) The speaker of the senate shall appoint four (4) members;

(3) The speaker of the house of representatives shall appoint four (4) members;

(4) The Tennessee County Services Association shall appoint two (2) members; and

(5) The Tennessee Municipal League shall appoint (1) member.

(d) Upon creation of the council, the members appointed in subdivisions (c)(2) and (3) shall serve an initial four-year term and the members appointed in subdivisions (c)(4) and (5) shall serve an initial five-year term to enable the staggering of terms.

(e) With the exception of the initial terms established in subsection (d), each appointed member of the council shall serve a three-year term, with terms ending on June 30 of each year. The beginning of an initial term shall be deemed to be July 1 of the calendar year in which the appointment occurs, regardless of whether the actual appointment date occurs before or after July 1 of that year.

(f) The respective appointing authority may remove a member for failure to attend at least one-half (1/2) of the scheduled meetings in any one-year period or for other cause.

(g) If a vacancy on the council occurs, the respective appointing authority shall fill the vacancy for the unexpired term. Notwithstanding the expiration of a member's term, each member shall serve until a successor is duly appointed.

(h)

(1) The members shall serve without compensation, but each member shall be entitled to reimbursement for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(2) All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations promulgated by the department of finance and administration.

(3) All actual and necessary expenses incurred in the performance of members' official duties shall be paid from the opioid abatement fund and not the general fund.

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(i) The council shall meet at the call of the chair and not less than four (4) times per year. The meeting location shall rotate among locations in each of the three (3) grand divisions. Members may attend meetings in person or remotely by audiovisual means, as provided in § 8-44-108.

(j) Meetings of the council must comply with the open meeting requirements of title 8, chapter 44. Notwithstanding the open meeting requirements of title 8, chapter 44, the council is permitted to meet in a closed executive session for the purpose of obtaining advice from counsel and discussing personnel-related issues in addition to any other purposes allowed by title 8, chapter 44.

(k) Records of the council are deemed to be public records for purposes of the open records law, compiled in title 10, chapter 7, subject to the confidentiality provisions of § 10-7-504 and other laws or doctrines.

(l) The annual report, financial statements, all books, accounts, and financial records of the council shall be subject to annual audit by the comptroller of the treasury. Any monies distributed to local governments from the fund shall also be subject to audit by the comptroller of the treasury.

(m) Written minutes covering all meetings and actions of the council shall be prepared by the director and shall be maintained by the department and open to public inspection.

(n) The council will terminate if all opioid abatement monies being paid pursuant to existing settlements, judgments, or court orders have been received and disbursed unless the attorney general and reporter certifies that additional funds are anticipated within one (1) year.

(o) The council shall not be subject to the contested case procedures set forth in title 4, chapter 5, part 3. If a court has entered a consent judgment agreed to by the state through the approval of the attorney general and reporter that incorporates a statewide opioid settlement agreement or a state-subdivision opioid abatement agreement, and such an agreement provides for the court in which the consent judgment was filed to determine particular disputes, the court that entered the consent judgment shall have exclusive jurisdiction over such disputes. Otherwise actions to disburse funds are final.

(p) For proceeds received from a statewide opioid settlement agreement with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, or Johnson & Johnson or affiliates or subsidiaries of these entities that are deposited in the opioid abatement fund, the council shall disburse thirty-five percent (35%) of these proceeds to counties that join the settlement. The council shall disburse these proceeds to counties subject of subsections (q)-(s). The council shall disburse the remaining sixty-five percent (65%) of such proceeds for statewide, regional, or local opioid abatement and remediation purposes pursuant to SECTION 8

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(q) Proceeds disbursed to counties under subsection (p) shall be allocated according to data measuring the impact of the opioid crisis at the county level. The allocation may be set in a state-subdivision opioid abatement agreement. If there is no agreement, the council will determine the allocation using population to determine half of the allocation and state data on opioid sales measured by morphine milligram equivalents, fatal overdoses, and non-fatal overdoses to determine the other half of the allocation. The council will use aggregate data for at least three (3) years and will update the data every four (4) years. If any of these sets of data are not available, the council may use the remaining data sets or substitute another set of data that reflects the impact of the opioid crisis.

(r) Funds allocated to a county pursuant to subsection (p) are subject to subsection (s) and must be spent on opioid abatement and remediation purposes that are:

- (1) Specifically approved by the council; or
- (2) Included on a council list of approved programs.

(s) The council:

(1) Shall create a list of approved programs for opioid abatement and remediation for use by the council, the state, or local governments;

(2) Shall create a certification process through which government entities verify the use of funds for programs on the council's list of approved programs;

(3) Has the authority to create an application and certification process for counties applying for funds toward programs not on the council's list of approved programs;

(4) Has the authority to develop rules and time limitations for use of medication assisted therapies in treating opioid addiction that are paid for through the opioid treatment fund; and

(5) Has the authority to create a timeline for monies paid to the counties to revert back to the opioid treatment fund if they are not used within a certain period by a county.

[33-11-104]

SECTION 7.

(a)

(1) The department shall serve as staff to the council and shall recommend to the council a candidate to serve as executive director of the council.

(2) If a majority of the council votes to decline the department's recommendation within fourteen (14) calendar days of receiving the recommendation, the department shall submit a new candidate.

(3) If a majority of the council either votes in favor of the department's recommendation or does not decline the recommendation

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in accordance with subdivision (a)(2), the candidate may be hired as the director and shall be an employee of the department.

(b) The director must be a full-time position. The commissioner may recommend that a current department employee serve as the director, subject to subsection (a). The commissioner shall establish the director's salary and other compensation, which shall be no more than the department's highest-paid assistant commissioner. The director's salary and compensation shall be paid from the opioid abatement fund, as shall the salaries and compensation of other council staff and department employees the commissioner deems necessary to administer the council. The commissioner may hire two (2) full-time employees to staff the council in addition to the director and hire additional staff upon approval of the council. Salaries and compensation levels shall be comparable to department employees doing similar work. New or additional department costs and all expenditures related to the council shall be paid from the opioid abatement fund and not the general fund. The commissioner shall provide reports as the council may require on staffing, salaries, compensation, and other costs and expenditures related to the council.

[33-11-105]

SECTION 8. The duties and responsibilities of the council include the following:

(a) Subject to the terms of a state-subdivision opioid abatement agreement or a statewide opioid settlement agreement concerning funds paid pursuant to such agreement, the council shall direct the disbursement of funds held in the opioid abatement fund by decisions approved by at least a majority of the entire membership of the council. These disbursement directives shall be limited to funding or supporting opioid abatement and remediation purposes and related administrative costs. Before rendering decisions regarding the disbursement of funds, the council shall receive input from the department's statewide planning and policy council's need assessment process, which is conducted with the assistance of seven (7) regional planning and policy councils, and allow for comment and input from community stakeholders, local governments, state and local public health officials, public health advocates, law enforcement and judiciary representatives, opioid remediation service providers, and other parties interested and actively involved in addressing the opioid crisis and its abatement. The council shall develop policies to provide reasonable opportunity to receive input from these parties.

(b) The council shall create and the director shall deliver to the governor, the speaker of the senate, the speaker of the house of representatives, the chairs of the government operations committees of the senate and house of representatives, and the chairs of the finance, ways and means committees of the senate and house of representatives on or before September 30 of each year an annual

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report for the prior fiscal year that details the total funds deposited into the opioid abatement fund, the abatement strategies funded, and any disbursement or expenses paid from the opioid abatement fund.

[33-11-106]

SECTION 9. The council is exempt from the requirements of title 12, chapter 3, related to procurement.

[T. 47, ch. 17]

SECTION 10. Tennessee Code Annotated, Title 47, is amended by adding Sections 11 through 15 as a new, appropriately designated chapter.

[47-17-101]

SECTION 11. This chapter is known and may be cited as the "Tennessee Opioid Abatement Act."

[47-17-102]

SECTION 12. The general assembly finds and declares the following:

(1) The opioid crisis presents serious health and safety concerns throughout the state and is a threat to the general welfare of the people of this state;

(2) The provision of care, rehabilitation, and treatment for opioid abuse and dependency creates a substantial drain on governmental resources;

(3) It is the intention of the general assembly to facilitate statewide opioid settlement agreements that provide a coordinated resolution of state and local governmental claims against entities involved in the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, in order to generate funds for opioid abatement programs and remediation; and

(4) A statewide coordinated resolution of state and local claims against entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, is critical to resolving current litigation and other claims regarding the opioid crisis and maximizing the financial commitment of those entities.

[47-17-103]

SECTION 13. As used in this chapter, unless the context requires otherwise:

(1) "Declaration of a statewide opioid settlement agreement release" means a written release approved by the attorney general and reporter for a statewide opioid settlement agreement, which must include or reference the approval of the governor and comptroller of the treasury;

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(2) "District" means the governmental districts in the state, including, but not limited to, school districts, judicial districts, hospital districts, health districts, utility districts, fire districts, development districts, special districts, and other public districts;

(3) "Governmental entity" means:

(A) The state and each of its departments, agencies, divisions, boards, commissions, and other instrumentalities;

(B) Any political or governmental subdivision or other public entity within the boundaries of the state, including, but not limited to, counties, municipalities, districts, and towns and any department, agency, division, board, commission, and other instrumentalities thereof; and

(C) Any governmental official, officer, or employee of the state or of a political or governmental subdivision or other public entity within the boundaries of the state acting in an official capacity;

(4) "Released claims" means the causes of action and other claims that are released in a statewide opioid settlement agreement or as set forth in a declaration of such an agreement by the attorney general and reporter, including matters identified as released claims as that term or a comparable term is defined in a statewide opioid settlement agreement;

(5) "Released entities" means the entities released in a statewide opioid settlement agreement and pursuant to a declaration of a statewide settlement agreement by the attorney general and reporter, including those identified as released entities as that term or a comparable term is defined in a statewide opioid settlement agreement;

(6) "State-subdivision opioid abatement agreement" means an agreement entered into by the state and one (1) or more subdivisions of the state that addresses the allocation of funds dedicated to opioid abatement; and

(7) "Statewide opioid settlement agreement" means a settlement agreement entered into by the state and one (1) or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which subdivision claims are addressed.

[47-17-104]

SECTION 14. The funds obtained pursuant to a statewide opioid settlement agreement must be distributed pursuant to the agreement and any relevant provisions of a state-subdivision opioid abatement agreement. Copies of statewide opioid settlement agreements, including any amendments to such agreements, must be kept on the website of the attorney general and reporter.

[47-17-105]

SECTION 15. Upon the issuance of a declaration of a statewide opioid settlement agreement release by the attorney general and reporter PURSUANT TO SECTION 19, a governmental entity shall not have the authority to assert, bring, or attempt to enforce a released claim against a released entity in any legal proceeding. Any pending or future litigation brought by a governmental entity asserting released claims against released entities shall be dismissed with prejudice. Copies of declarations of a statewide opioid settlement agreement release must be kept on the website of the attorney general.

[T. 20, ch. 13, part 2]

SECTION 16. Tennessee Code Annotated, Title 20, Chapter 13, is amended by adding Sections 17 through 20 as a new, appropriately designated part.

[20-13-201]

SECTION 17. The general assembly finds and declares the following:

(1) The opioid crisis presents serious health and safety concerns throughout the state and is a threat to the general welfare of the people of this state;

(2) The provision of care, rehabilitation, and treatment for opioid abuse and dependency creates a substantial drain on governmental resources;

(3) It is the intention of the general assembly to facilitate statewide opioid settlement agreements that provide a coordinated resolution of state and local governmental claims against entities involved in the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, in order to generate funds for opioid abatement programs and remediation; and

(4) A statewide coordinated resolution of state and local claims against entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, is critical to resolving current litigation and other claims regarding the opioid crisis and maximizing the financial commitment of those entities.

[20-13-202]

SECTION 18. As used in this part, unless the context requires otherwise:

(1) "District" means all governmental districts in the state, including, but not limited to, school districts, judicial districts, hospital districts, health districts, utility districts, fire districts, development districts, special districts, and other public districts; and

(2) "Governmental entity" means:

(A) The state and each of its departments, agencies, divisions, boards, commissions, and other instrumentalities;

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(B) Any political or governmental subdivision or other public entity within the boundaries of the state, including, but not limited to, counties, municipalities, districts and towns and any department, agency, division, board, commission, and other instrumentalities thereof; and

(C) Any governmental official, officer, or employee of the state or of a political or governmental subdivision or other public entity within the boundaries of the state acting in an official capacity.

[20-13-203]

SECTION 19. Upon written approval of the governor and comptroller of the treasury, the attorney general and reporter has the authority to release any pending or future claim of governmental entities against McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and Johnson & Johnson and affiliates, subsidiaries, and other entities related to these companies that are released in the McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and Johnson & Johnson settlement agreements for activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, if the attorney general deems the release necessary to the interest of the state in the resolution of the opioid crisis.

[20-13-204]

SECTION 20. The Tennessee opioid abatement council established pursuant to Section 6 must be reviewed in accordance with §§ 4-29-118(a) and 4-29-244(b).

SECTION 21. This part shall not be construed as a restriction or a limitation upon the powers that the attorney general and reporter might otherwise have under the laws of this state but must be construed as cumulative of and supplemental to these powers.

SECTION 22. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

[Effective date 5/24/2021]

SECTION 23. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 492**SENATE BILL NO. 383****By Jackson, Yarbrow, Akbari, Campbell**

Substituted for: House Bill No. 1126

By Russell, Farmer, Hardaway, Chism, Lamar, Thompson, Powell, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 37, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-5-214]**SECTION 1.** Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section:

(1) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(A) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(B) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(C) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area; and

(2) "Temporary" means for no more than two (2) hours.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion shall not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. Following a period of seclusion, the facility administrator may review the seclusion and authorize an additional two-hour period of seclusion if appropriate. The facility administrator shall not authorize more than two (2) subsequent, consecutive periods of seclusion or more than six (6) total hours of seclusion within a twenty-four-hour period. The department may, by rule or policy, provide alternative options for a child who cannot

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safely rejoin the rest of the resident population following the maximum period of seclusion authorized by this subsection (c).

[37-1-102]

SECTION 2. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

[37-1-116]

SECTION 3. Tennessee Code Annotated, Section 37-1-116(I), is amended by deleting the subsection and substituting instead the following:

(I) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (I) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication. Following a period of seclusion, the facility administrator may review the seclusion and authorize an additional two-hour period of seclusion if appropriate. The facility administrator shall not authorize more than two (2) subsequent, consecutive periods of seclusion or more than six (6) total hours of seclusion within a twenty-four-hour period. The department may, by rule or policy, provide alternative options for a child who cannot safely rejoin the rest of the resident population following the maximum period of seclusion authorized by this subsection (I).

[Effective date 5/25/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 493**SENATE BILL NO. 623****By Bell, Johnson, Kelsey, Pody, Stevens, Bowling**

Substituted for: House Bill No. 580

By Ragan, White, Cepicky, Sherrell, Smith, Darby, Zachary, Grills, Howell, Helton, Lamberth, Rudd, Terry, Casada, Littleton, Warner, Carr, Garringer, Griffey, Crawford, Weaver, Bricken, Gillespie, Wright, Rudder, Calfee, Williams, Halford, Tim Hicks, Alexander, Cochran, Russell, Moody, Hawk, Hulsey, Todd, Jerry Sexton, Garrett, Moon, Holsclaw, Doggett, Sparks, Powers, Hurt, Reedy, Gant, Faison, Kumar, Eldridge, Leatherwood, Marsh, Vaughan, Boyd, Hall, Haston, Ogles, Lynn

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-1-102]

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

[49-1-201]

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

[49-1-201]

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (19) and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

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[49-1-201]

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (20) and substituting:

(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

[49-1-211]

SECTION 5. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner of education shall annually publish information on the department's website, including, but not limited to:

(1) The results of state-conducted compliance and performance audits of LEAs;

(2) Value-added assessment organized by grade band, school, and LEA;

(3) School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, the number of waivers granted pursuant to § 49-1-201(d), local financial contribution to education, attendance rates, and other indicators of school performance adopted by the state board of education;

(4) School and LEA performance designations pursuant to § 49-1-602;

(5) A comparison of expenditures by category and program for each LEA with statewide averages;

(6) Student dropout rates organized by school and LEA, disaggregated by sex and race;

(7) Student suspension and expulsion rates organized by school and LEA, disaggregated by sex and race;

(8) High school graduation rates organized by high school and LEA, disaggregated by sex and subgroup pursuant to applicable federal law. The high school graduation information must be placed on the annual state, LEA, and school-level report cards posted on the department's website;

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(9) Alternative school performance indicators as reported to the department by LEAs pursuant to § 49-6-3405;

(10) A list of the advanced placement (AP) courses offered in each LEA and a list of the AP courses offered in each of the LEA's schools serving grades in which AP courses may be taken;

(11) The number of students taking AP courses and the percentage of students scoring three (3) or above on AP exams organized by each school and LEA serving grades in which AP courses may be taken;

(12) A list of the dual enrollment courses offered in each school and LEA and the number of dual enrollment courses taken by students enrolled in each of the LEA's schools serving grades in which dual enrollment courses may be taken;

(13) The percentage of students successfully completing dual enrollment courses, which must be reported by the LEA and by the school serving grades in which dual enrollment courses may be taken;

(14) ACT academic achievement data, including the number and percentage of students with a twenty-one (21) composite score or higher and the number and percentage of students meeting the college readiness benchmark in English, mathematics, reading, and science for each LEA and high school with at least ten (10) students taking the exam. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from ACT; and

(15) SAT college-bound seniors district profile for each LEA with at least twenty-five (25) students taking the SAT. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from the college board.

[49-1-211]

SECTION 6. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) TCAP scores reported pursuant to subdivision (a)(3), or otherwise, must be disaggregated by subgroup.

[49-1-302]

SECTION 7. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

[49-1-303]

SECTION 8. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

[49-1-1007]

SECTION 9. Tennessee Code Annotated, Section 49-1-1007, is amended by deleting the language "By July 1, 2017, and each July 1 thereafter," and substituting instead the language "By October 1, 2021, and each October 1 thereafter,".

[49-2-116]

SECTION 10. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the last sentence.

[49-2-406]

SECTION 11. Tennessee Code Annotated, Section 49-2-406, is amended by deleting the section and substituting instead the following:

Each director of schools or local board of education shall make all reports required by the commissioner of education.

[49-6-5001]

SECTION 12. Tennessee Code Annotated, Section 49-6-5001(a), is amended by deleting the language " , subject to the approval of the public health council,".

[49-7-176]

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the

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property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

[49-1-305]

SECTION 14. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

[49-1-607]

SECTION 15. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of

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tenured employees. Such actions are grounds for revocation of state licensure.

[49-1-703]

SECTION 16. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language “state board of education” and substituting the language “department of education”.

[49-2-202]

SECTION 17. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language “GED®” wherever it appears and substituting the language “GED® or HiSET®”.

[49-5-108]

SECTION 18. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language “supervisor, principal, or” wherever it appears.

[49-5-108]

SECTION 19. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

[49-5-111]

SECTION 20. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

[49-5-111]

SECTION 21. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher’s contract, then the state board may suspend the teacher’s license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

[49-6-108]

SECTION 22. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

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[49-6-3001]

SECTION 23. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

[49-6-3001]

SECTION 24. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

[49-6-3001]

SECTION 25. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

[49-6-3017]

SECTION 26. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

[49-6-3017]

SECTION 27. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®,".

[49-6-3017]

SECTION 28. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

[49-6-3050]

SECTION 29. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

[49-6-3050]

SECTION 30. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

[49-6-3110]

SECTION 31. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

[49-6-5002]

SECTION 32. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

[49-6-6001]

SECTION 33. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

[49-6-8103]

SECTION 34. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

[49-13-110]

SECTION 35. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

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(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021. Beginning July 1, 2021, the commission shall determine the timelines for approval and the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

[4-5-231]

SECTION 36. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

[49-1-1002]

SECTION 37. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

[49-3-318]

SECTION 38. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:

"and substituting instead the language "The system consists of the following grant programs:".

[49-7-2109]

SECTION 39. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

[49-1-302]

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a) (16);

[49-1-302]

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language “and regulations prepared by the commissioner”.

[49-1-302]

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word “policies” and substituting the language “rules and policies”.

[49-1-302]

SECTION 43. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word “policies” and substituting the language “rules and policies”.

[49-1-302]

SECTION 44. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word “policies” and substituting the language “rules and policies”.

[49-1-302]

SECTION 45. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word “policies” and substituting the language “rules and policies”.

[49-1-302]

SECTION 46. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

[49-1-302]

SECTION 47. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word “policies” and substituting the language “rules and policies”.

[49-1-302]

SECTION 48. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word “guidelines” and substituting the language “rules, policies, and guidelines”.

[49-1-302]

SECTION 49. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

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(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

[49-5-108]

SECTION 50. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

() Notwithstanding any other law, a public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

[49-6-1019]

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

(1) One (1) race or sex is inherently superior to another race or sex;

(2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) An individual's moral character is determined by the individual's race or sex;

(5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

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(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) This state or the United States is fundamentally or irredeemably racist or sexist;

(9) Promoting or advocating the violent overthrow of the United States government;

(10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

(11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;

(12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;

(13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or

(14) Governments should deny to any person within the government's jurisdiction the equal protection of the law.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

(2) The impartial discussion of controversial aspects of history;

(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or

(4) Historical documents relevant to subdivisions (b)(1) - (3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

SECTION 52. If any provision of Section 51 or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of Section 51, or of this act, that can be given effect

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without the invalid provision or application, and to that end, the provisions of his act are severable.

Effective date 5/25/2021]

SECTION 53. Section 51 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2021-2022 school year and subsequent school years. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 494

SENATE BILL NO. 707

By Walley, Gilmore, Campbell, Yarbrow

Substituted for: House Bill No. 1102

By Shaw, Hardaway, Dixie, McKenzie, Chism, Parkinson, Cooper, Lamar

AN ACT to amend Tennessee Code Annotated, Section 40-32-101 and Section 40-35-313, relative to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-32-101]

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(1)(B)(i), is amended by deleting the subdivision and substituting instead:

(i) Section 39-13-101 (a)(1) and (2) - Assault, if the offense was committed prior to July 1, 2000;

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to petitions for expunction filed on or after that date.

PUBLIC CHAPTER NO. 495**SENATE BILL NO. 982****By Massey**

Substituted for: House Bill No. 226

By Vaughan, White, Hazlewood, Smith

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 68, Chapter 29, relative to medical laboratories.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-29-103]

SECTION 1. Tennessee Code Annotated, Section 68-29-103, is amended by adding the following as new subdivisions:

() "Private laboratory":

(A) Means a medical laboratory that is required to be licensed under this title performing patient tests not affiliated with state government and owned by a private entity; and

(B) Includes hospital-based laboratories;

() "Pharmacy" means a pharmacy licensed by the board of pharmacy pursuant to title 63, chapter 1 O;

[68-29-116]

SECTION 2. Tennessee Code Annotated, Section 68-29-116, is amended by adding the following as a new subsection:

(c) Medical laboratory directors may monitor medical laboratory personnel remotely.

[68-29-104]

SECTION 3. Tennessee Code Annotated, Section 68-29-104, is amended by adding the following new subdivisions:

(12) A pharmacy possessing an active Clinical Laboratory Improvement Amendments of 1988 (CLIA) Certificate of Waiver;

(13) Medical personnel employed by and performing testing at a private laboratory;

[68-29-103]

SECTION 4. Tennessee Code Annotated, Section 68-29-103, is amended by deleting subdivision (22) and substituting the following:

"Waived" means those laboratory tests systems cleared by the United States food and drug administration (FDA) for home use and those tests approved for waiver under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 U.S.C. § 263a).

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[68-29-121]

SECTION 5. Tennessee Code Annotated, Section 68-29-121, is amended by adding the following as a new subsection:

(d) Notwithstanding § 68-29-104(13), this section applies to medical personnel employed by and performing testing at a private laboratory.

[68-29-129]

SECTION 6. Tennessee Code Annotated, Section 68-29-129, is amended by deleting subdivision (7) and substituting the following:

(7) Solicit the referral of specimens to the person's or another medical laboratory or contract to perform medical laboratory examinations of specimens in a manner that offers or implies an offer of rebates to any person submitting specimens, other fee-splitting inducements, participation in fee-splitting arrangements, or other unearned remuneration. Notwithstanding § 68-29-104(13), this subdivision (7) applies to medical personnel employed by and performing testing at a private laboratory;

[Effective date 5/25/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 496**SENATE BILL NO. 1030****By Briggs**

Substituted for: House Bill No. 1515

By Cochran

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13; Title 67 and Title 68, relative to accommodations for transients.

WHEREAS, many cities and counties have levied a privilege tax on hotel occupancy under a variety of methods; and

WHEREAS, those cities and counties have relied upon the revenue from the privilege tax to pay for certain projects, some of which are ongoing; and

WHEREAS, such cities and counties have an expectation and need for the tax revenue to be unaffected to fund those projects; and

WHEREAS, the General Assembly desires taxation of hotel occupancy to become uniform across the state; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-4-1401]

SECTION 1. Tennessee Code Annotated, Section 67-4-1401(3), is amended by deleting the subdivision and substituting instead the following:

(3) "Municipality" means an incorporated city or town or a county, but does not include a county with a metropolitan form of government;

[67-4-1401]

SECTION 2. Tennessee Code Annotated, Section 67-4-1401, is amended by inserting the following new, appropriately designated subdivisions:

() "Tourism" means attracting nonresidents to visit a particular municipality and encouraging those nonresidents to spend money in the municipality, which includes travel related to both leisure and business activities;

() "Tourism development" means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism;

[67-4-1402]

SECTION 3. Tennessee Code Annotated, Section 67-4-1402, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)(1) A municipality may levy, modify, or repeal a privilege tax upon the privilege of occupancy in a hotel by ordinance or resolution subject to the restrictions of this part.

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(2) Except as otherwise provided in subdivision (a)(3), the tax levied by a municipality upon the privilege of occupancy in a hotel must not exceed four percent (4%) of the consideration charged to a transient by the hotel operator.

(3) Subject to SECTION 6, a tax upon the privilege of occupancy in a hotel levied or authorized before the effective date of this act by a municipality that exceeds the limit set in subdivision (a)(2) remains in full force and effect.

(b) This section does not void or modify a private act, ordinance, or resolution levying or authorizing the levy of a tax upon the privilege of occupancy in a hotel that existed on or before the effective date of this act, except as provided in SECTION 6.

[67-4-1403]

SECTION 4. Tennessee Code Annotated, Section 67-4-1403, is amended by deleting the section and substituting instead the following:

(a) Except as otherwise provided in subsection (b), the revenue received by a municipality from the tax must be designated and used for the promotion of tourism and tourism development.

(b) Subject to SECTION 6, a municipality levying a tax upon the privilege of occupancy before the effective date of this act may continue to use the revenue in the manner prescribed in the private act, resolution, or ordinance levying the tax.

[67-4-1425]

SECTION 5. Tennessee Code Annotated, Section 67-4-1425, is amended by deleting the section in its entirety.

[67-4-1414]

SECTION 6. Tennessee Code Annotated, Title 67, Chapter 4, Part 14, is amended by adding the following new section:

(a) A privilege tax upon the privilege of occupancy in a hotel in effect, or any authorization to levy such privilege tax granted, under a private act, resolution of a county, ordinance of a city, or this part as it existed before the effective date of this act remains in full force and effect on and after the effective date of this act. However, a municipality with a preexisting privilege tax or authority shall not change the use of the revenue except in accordance with this part and subject to the restrictions of this part.

(b) A municipality with an authorized tax upon the privilege of occupancy on or before the effective date of this act shall not adopt a tax under this part unless the municipality repeals the preexisting authorization.

PUBLIC CHAPTER NO. 496 (cont'd)**[Effective date 7/1/2021]****SECTION 7.** This act takes effect July 1, 2021, the public welfare requiring

it.

PUBLIC CHAPTER NO. 497**SENATE BILL NO. 1080****By Roberts, Rose, Pody**

Substituted for: House Bill No. 1389

By Todd, Reedy, Hurt

AN ACT to amend Tennessee Code Annotated, Title 4; Title 69 and Title 70, relative to recreational activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) The Tennessee advisory commission on intergovernmental relations (TACIR) is directed to perform a study of the following:

(1) Procedural and financial measures necessary to accommodate the increased demand for non-fish and game recreational activities and the resources required to manage such activities by the department of environment and conservation and the Tennessee wildlife resources agency (TWRA);

(2) How TWRA-managed resources are being utilized by non-motorized vessels for non-fish and game related recreational activities, such as paddle boarding, canoeing, tubing, and kayaking;

(3) The accessibility to and funding for all non-fish and game recreational activities;

(4) The annual fees and taxes charged to paddle craft and commercial outfitters in the previous four (4) fiscal years;

(5) Any duplicative fees charged by the department of environment and conservation and the TWRA, and what action may be taken to eliminate such duplicity in fee structures and their regulatory authority generally;

(6) The extent to which customers of non-motorized vessels contribute to revenue derived from the purchase of fishing licenses and registration of watercraft;

(7) The amount of funding needed to manage, sustain, and improve access to and the management of non-motor vehicle activities in this state and what fundraising options are available to support non-fish and game and other similar activities;

(8) What fee structure is most appropriate for recreational users generally, given that the benefits of non-fish and game programs are broader than just outfitters, who are already paying sales tax;

(9) The feasibility of outfitters who pay additional fees to the department of environment and conservation and the TWRA receiving a credit on the sales tax paid on such fees and whether the local option sales tax should be included in the credit; and

PUBLIC CHAPTER NO. 497 (cont'd)

(10) What measures the department of environment and conservation and the TWRA can implement to improve their strategic plans, their organizational structures, and the oversight and sustainability of non-fish and game related recreational activities.

(b) All appropriate state departments and agencies shall provide assistance to TACIR in connection with the study required by subsection (a).

(c) TACIR shall submit a report disclosing the findings of the study and recommendations, including any proposed legislation or interim reports, to the general assembly no later than December 31, 2022.

(d) This section is repealed on January 1, 2023.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 498**SENATE BILL NO. 1104****By Yarbrow, Akbari, Haile**

Substituted for: House Bill No. 1509

By McKenzie, Ramsey, Whitson, Marsh, Hardaway, Stewart, Dixie, Camper,
Clemmons

AN ACT to amend Tennessee Code Annotated, Title 71, relative to child care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[71-1-130]

SECTION 1. Tennessee Code Annotated, Section 71-1-130(b), is amended by deleting the language “from the market rate study” and substituting the language “from the market rate study or utilizing an alternative methodology”.

[71-1-130]

SECTION 2. Tennessee Code Annotated, Section 71-1-130(c), is amended by deleting the language “results of the market rate study” and substituting the language “results of the market rate study; the results of an alternative methodology utilized, if applicable;”.

[71-1-130]

SECTION 3. Tennessee Code Annotated, Section 71-1-130, is amended by adding the following as a new subsection:

(h) For purposes of this section, “alternative methodology”:

- (1) Means a method of determining the costs of day care other than by a market rate study; and
- (2) Includes cost-of-quality studies and cost estimation models.

[71-1-105]

SECTION 4. Tennessee Code Annotated, Section 71-1-105, is amended by adding the following as a new subsection:

- (c) The department is authorized to take actions necessary to support the development of shared services alliances and family child care networks to improve the quality of child care in this state, give child care providers access to innovative child care business resource platforms, and provide a means of cost savings to child care providers through negotiated discounts. The department may contract with one (1) or more entities as necessary to implement this subsection (c).

[Effective date 5/25/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 499**SENATE BILL NO. 1185****By Jackson, Pody**

Substituted for: House Bill No. 1383

By Todd, Russell, Ogles, Moon, Halford, Windle, Sherrell, Smith, Moody,
Hawk, Doggett, Marsh, Crawford, Howell, Littleton, Garringer, Hurt, Lynn,
Haston, Warner, White, Helton, Freeman, Terry,

Powers, Powell, Lafferty, Keisling, Love

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7; Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37, relative to retirement for certain law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-36-809]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following as a new section:

(a) As used in this section, "law enforcement officer" means a member of the Tennessee highway patrol, or a police officer, sheriff, or sheriff's deputy employed full time by a municipality or political subdivision of this state, or a police officer, agent, or investigator previously employed full time by the state, whose primary responsibility is the prevention and detection of crime and apprehension of offenders.

(b) Notwithstanding any law to the contrary, a law enforcement officer retired for at least nine (9) months from the Tennessee consolidated retirement system, from a superseded system administered by the state, or from a local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a law enforcement officer without loss or suspension of retirement benefits under the following conditions:

(1) The retired member has successfully completed annual training required by title 38, chapter 8, part 1, and as required by the Tennessee peace officer standards and training commission;

(2) The employing law enforcement agency and retired member notify the retirement division upon hiring the retired member and submit such information on proper documents as required by the retirement division;

(3) The employing law enforcement agency certifies in writing to the retirement division that the retired member has the requisite experience and training for the position to be filled;

(4) The retired member is not eligible to accrue additional retirement benefits as a result of such employment;

Powers, Powell, Lafferty, Keisling, Love (cont'd)

(5) The retired member must not receive automatic credit for years of experience in determining compensation; provided, that the salary paid to such retired member for serving as a law enforcement officer must not be less than the rate of compensation set by the employing law enforcement agency for law enforcement officers with no experience filling similar positions, nor may such salary exceed eighty-five percent (85%) of the rate of compensation set by the employing law enforcement agency for law enforcement officers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member is not entitled to police pay supplements authorized under § 38-8-111; and

(6) The retired member's appointment to serve as a law enforcement officer cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods; provided, that the conditions contained in this section are met for each such reappointment, including the certifications required in subdivision (b)(3).

(c) Payments must be made by appropriation of funds by the retired member's employing law enforcement agency, in the case of a municipality or political subdivision, for the purpose of:

(1) Making a payment equal to the amount the employer would have contributed had the retired member been a member of the retirement system for the position during the period of employment; or

(2) Paying an additional amount as determined by the board of trustees of the Tennessee consolidated retirement system required to fund the liability created by this section; provided, that such amount is not less than five percent (5%) of the retired member's pay rate.

(d) This section does not prohibit any retired member or prior class member of the Tennessee consolidated retirement system, or a retiree of a local retirement fund receiving benefits in accordance with chapter 35, part 3 of this title from returning to service temporarily in a position covered by the Tennessee consolidated retirement system pursuant to § 8-36-805.

(e) This section is repealed on July 1, 2023.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 500**SENATE BILL NO. 1228**

**By Rose, Akbari, Briggs, Crowe, Gardenhire, Gilmore, Kyle, Jackson,
Massey**

Substituted for: House Bill No. 718

By Keisling, Gillespie, Griffey, Crawford, Sherrell, Bricken, Helton,
Moody, Smith, Freeman; Mr. Speaker Cameron Sexton; Cepicky, Eldridge,
Hazlewood, Littleton, Ramsey, Howell, Jernigan, Hardaway, Moon, Faison,
Ogles, Stewart, Wright, Camper, Reedy, Todd, Doggett, Hawk, Mannis,
Alexander, Powers, Lynn, Carr, White, Rudder, Whitson

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 71,
relative to elderly and vulnerable adults.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-202]

SECTION 1. This act is known and may be cited as the “Safe Seniors Act
of 2021”.

[39-13-202]

SECTION 2. Tennessee Code Annotated, Section 39-13-202(a)(2), is
amended by deleting the subdivision and substituting the following:

(2) A killing of another committed in the perpetration of or
attempt to perpetrate any first degree murder, act of terrorism, arson,
rape, robbery, burglary, theft, kidnapping, aggravated abuse of an
elderly or vulnerable adult in violation of § 39-15-511, aggravated
neglect of an elderly or vulnerable adult in violation of § 39-15-508,
aggravated child abuse, aggravated child neglect, rape of a child,
aggravated rape of a child, or aircraft piracy; or

[39-13-502]

SECTION 3. Tennessee Code Annotated, Section 39-13-502(a)(3)(B), is
amended by deleting the subdivision and substituting the following:

(B) The defendant knows or has reason to know that the
victim is:

- (1) Mentally defective;
- (2) Mentally incapacitated;
- (3) Physically helpless; or
- (4) A vulnerable adult, as defined in § 39-15-501, with an
intellectual disability.

PUBLIC CHAPTER NO. 500 (cont'd)

[39-13-503]

SECTION 4. Tennessee Code Annotated, Section 39-13-503(a)(3), is amended by deleting the subdivision and substituting the following:

(3) The defendant knows or has reason to know that the victim is:

- (A) Mentally defective;
- (B) Mentally incapacitated;
- (C) Physically helpless; or
- (D) A vulnerable adult, as defined in § 39-15-501, with an intellectual disability.

[39-15-501]

SECTION 5. Tennessee Code Annotated, Section 39-15-501(4), is amended by deleting subdivision (A) and substituting:

(A)(i) Means a relative or person who has a legal duty to provide care for an elderly or vulnerable adult, whether such duty arises by the relative or person's claim or conduct, contract, or in any other fashion; or

(ii) Means a person who is married to or in a dating, romantic, or sexual relationship with someone who qualifies as a caregiver under subdivision (4)(A)(i) and resides with or has regular contact with the elderly or vulnerable adult; and

[39-15-501]

SECTION 6. Tennessee Code Annotated, Section 39-15-501(7), is amended by deleting subdivision (7)(C) and substituting:

(C) The act of obtaining or exercising control over an elderly or vulnerable adult's property, without receiving the elderly or vulnerable adult's effective consent, by a caregiver or accomplice committed with the intent to benefit the caregiver or other third party;

[39-15-501]

SECTION 7. Tennessee Code Annotated, Section 39-15-501(9), is amended by deleting the subdivision and substituting the following:

(9) "Physical harm" means an action, regardless of gravity or duration, that:

- (A) Causes pain or injury; or
- (B) Would cause a reasonable person to suffer pain or injury;

[39-15-501]

SECTION 8. Tennessee Code Annotated, Section 39-15-501(10), is amended by deleting the language "means a spouse" and substituting instead "means a current or former spouse".

PUBLIC CHAPTER NO. 500 (cont'd)

[39-15-501]

SECTION 9. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the first sentence and substituting:

“Sexual exploitation” means an act committed upon or in presence of an elderly or vulnerable adult, without that adult’s effective consent, that is committed for the purpose of sexual arousal or gratification, or for the purpose of dissemination to others by a person who knew or should have known the act would offend or embarrass a reasonable person.

[39-15-501]

SECTION 10. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the language “fondling” and substituting “sexual contact, as defined in § 39-13-501”.

[39-15-504]

SECTION 11. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, the state may make a motion that the testimony of the victim be preserved. Upon the filing of the motion, the court shall set a hearing on that motion within fifteen (15) days. At the hearing, the court shall set a date for the deposition of the victim to be taken. The date for the deposition of the victim must be within sixty (60) days of the filing of the original motion. Rule 15 of the Tennessee Rules of Criminal Procedure governs the manner by which the court is to proceed. It is presumed that a victim under this part needs to have testimony preserved. Rule 15 of the Tennessee Rules of Criminal Procedure governs all other motions to preserve testimony of a witness, made by either party.

[39-15-505]

SECTION 12. Tennessee Code Annotated, Section 39-15-505(a), is amended by adding the following at the end of the subsection:

The state may request the motion in any court, juvenile, general sessions, criminal, or circuit, having jurisdiction over the accused and may initiate the motion at any stage of the proceedings after the accused’s initial appearance.

[39-15-506]

SECTION 13. Tennessee Code Annotated, Section 39-15-506(a)(1), is amended by deleting the subdivision and substituting the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court for a conviction of § 39-15-507(d), the clerk of the court shall

PUBLIC CHAPTER NO. 500 (cont'd)

notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

[39-15-514]

SECTION 14. Tennessee Code Annotated, Title 39, Chapter 15, Part 5, is amended by adding the following as a new section:

The circuit, general sessions, and chancery courts have jurisdiction over proceedings arising under this part.

SECTION 15. Tennessee Code Annotated, Section 40-35-115(b), is amended by adding the following language as a new subdivision:

(8) The defendant is convicted of two (2) or more offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim.

[40-11-150]

SECTION 16. Tennessee Code Annotated, Section 40-11-150(a), is amended by deleting the subsection and substituting the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; a violation of §§ 39-15-510 or 39-15-511 involving abuse or aggravated abuse of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

- (1) A threat to the alleged victim;
- (2) A threat to public safety; and
- (3) Reasonably likely to appear in court.

[40-11-150]

SECTION 17. Tennessee Code Annotated, Section 40-11-150(k)(1), is amended by deleting the subdivision and substituting the following:

PUBLIC CHAPTER NO. 500 (cont'd)

(1) A magistrate or other official shall not release an offender arrested for a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult, or for a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult, within twelve (12) hours of the time of arrest. However, the magistrate or other official duly authorized to release the offender may release the offender in less than twelve (12) hours if the magistrate or other official finds that the offender is not a threat to the alleged victim.

[71-6-118]

SECTION 18. Tennessee Code Annotated, Section 71-6-118(c)(2), is amended by adding the following as a new subdivision:

(D) In addition to the disclosures adult protective services is required to make under § 39-15-509, shall provide to the district attorney general, upon request, the names of individuals obtained in the course of an adult protective services investigation that have information relevant to a criminal investigation of alleged conduct involving an elderly or vulnerable adult victim. However, if the name of the person that reported the alleged conduct is included, then the individual must not be identified as the reporter of the alleged conduct.

[Effective date 10/1/2021]

SECTION 19. For the purpose of promulgating rules, policies, and procedures for the implementation of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 501**SENATE BILL NO. 1231****By Rose, Haile, Kyle**

Substituted for: House Bill No. 1339

By Ogles, Curcio, Hardaway, Littleton, Alexander, Cepicky

AN ACT to amend Tennessee Code Annotated, Title 24; Title 39; Title 40 and Title 55, relative to witness testimony.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-17-102]

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Forensic analyst" means an expert in the scientific detection of crime; and

(2) "Remote testimony" means any method by which a forensic analyst testifies from a location other than the location where the hearing or trial is being conducted and outside the physical presence of a party or parties.

(b) The court may permit remote testimony by a forensic analyst in any criminal proceeding only if:

(1) The state has provided a copy of any report produced by the forensic analyst that the state is seeking to admit into evidence through remote testimony to the defendant at least fifteen (15) days prior to the proceeding;

(2) The defendant agrees to permit remote testimony;

(3) The court finds that the defendant's agreement was knowing and voluntary; and

(4) The court and the state agree to permit remote testimony.

(c) Any remote testimony conducted under this section must allow all parties to observe the demeanor of the analyst as the analyst testifies in a similar manner as if the analyst were testifying in the location where the hearing or trial is being conducted. The court shall ensure that the defendant has a full and fair opportunity for examination and cross-examination of the analyst.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 502**SENATE BILL NO. 1270****By Reeves**

Substituted for: House Bill No. 1360

By Mannis, Hardaway

AN ACT to amend Tennessee Code Annotated, Section 55-4-105, relative to fees for service and handling mail orders of plates and decals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-4-105]

SECTION 1. Tennessee Code Annotated, Section 55-4-105, is amended by deleting subsection (c) and substituting instead the following:

(c) Each county clerk shall provide a mail order service for the renewal of registrations whereby registrants may apply for and receive the renewal certificates and plates or decals through the United States postal service. Except as otherwise required by law, an application for renewal by mail must be postmarked not later than twenty (20) days before the license expiration date to allow time for processing. Each county clerk may impose a fee for the service of handling mail orders of plates and decals. The amount of such fee for the service of handling mail orders of plates is five dollars (\$5.00), and the amount of such fee for the service of handling mail orders of decals is two dollars (\$2.00).

[Effective date 7/1/2021]

SECTION 2. This act takes effect on July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 503**SENATE BILL NO. 1323****By Hensley, Massey**

Substituted for: House Bill No. 1344

By Ogles, Kumar, Lynn

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 33; Title 34; Title 36; Title 37; Title 38; Title 43; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 62; Title 67; Title 68 and Title 71, relative to childhood health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-10-115]**SECTION 1.**

(a) The Tennessee advisory commission on intergovernmental relations (TACIR) shall perform a comprehensive evaluation on the socioeconomic impact childhood obesity has in Tennessee and its short- and long-term effects.

(b) All appropriate state departments and agencies shall provide assistance to TACIR in connection with the comprehensive evaluation required by subsection (a).

(c) On or before January 31, 2023, TACIR shall report its findings and recommendations, including any proposed legislation, regarding childhood obesity to the health and welfare committee of the senate and the health committee of the house of representatives.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 504**SENATE BILL NO. 1338****By Hensley, Yager, Massey, Pody**

Substituted for: House Bill No. 865

By Haston, Weaver, Hurt, Keisling, Windle, Darby, Moon, Sparks, Sherrell, Ogles, Bricken, Rudder, Todd, Cepicky, Smith, Crawford, Doggett, Garringer

AN ACT to amend Tennessee Code Annotated, Title 49, relative to instructional salaries and wages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-3-306]

SECTION 1. Tennessee Code Annotated, Section 49-3-306(b)(4)(B)(i), is amended by designating the existing language as subdivision (b)(4)(B)(i)(a) and adding the following new subdivision:

(b) The state board of education shall determine the percentage of any increase in funds appropriated to the instructional salaries and wages component of the BEP for a fiscal year, as compared to the funds appropriated to the instructional salaries and wages component of the BEP for the immediately preceding fiscal year, and shall increase the minimum salary on the state salary schedule by that percentage, if any.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to increases in funds appropriated to the instructional salaries and wages component of the BEP for the 2021-2022 school year and any school year thereafter.

PUBLIC CHAPTER NO. 505

SENATE BILL NO. 1373

By Bell, Watson

Substituted for: House Bill No. 1433

By Holsclaw, Lamberth, Hazlewood, Hardaway, Todd, Helton, Thompson,
Smith, Freeman

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 41,
relative to sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-13-103]

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b), is amended
by adding the following new subdivision (b)(4) and redesignating the current
subdivision (b)(4) as subdivision (b)(5):

(4) Reckless endangerment by discharging a firearm from
within a motor vehicle, as defined by § 55-1-103, is a Class C felony.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 506**SENATE BILL NO. 1417****By Akbari, Campbell, Kelsey**

Substituted for: House Bill No. 798

By Chism, Cooper, Thompson

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 20, relative to governmental tort liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[29-20-203]

SECTION 1. Tennessee Code Annotated, Section 29-20-203, is amended by adding the following as a new subsection:

(c) Notwithstanding any law to the contrary, all actions, arbitrations, or other binding dispute resolution proceedings to recover damages for any deficiency in the design, planning, supervision, observation of construction, or construction of a trolley or light rail system, for injury to property, real or personal, arising out of any such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, must be brought against any governmental entity that owns, operates, or controls the trolley or light rail system within four (4) years after substantial completion of an improvement.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to injuries occurring on or after that date.

PUBLIC CHAPTER NO. 507**SENATE BILL NO. 1521****By Roberts, Massey**

Substituted for: House Bill No. 1246

By Calfee, Ragan, Parkinson, Hazlewood, Hardaway, Thompson, Todd

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, relative to the Student's Right to Know Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-7-177]

SECTION 1. This act is known and may be cited as the "Student's Right to Know Act."

[49-7-177]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Community college" means a two-year public institution operated by the board of regents of the state university and community college system;

(2) "Personally-identifiable information" means information that would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to determine an individual's identity with reasonable certainty, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual;

(3) "State university" means a four-year public institution of higher education operated by the board of trustees of the University of Tennessee or a state university board;

(4) "TCAT" means a Tennessee college of applied technology operated by the board of regents of the state university and community college system; and

(5) "THEC" means the Tennessee higher education commission.

(b) THEC may collect the following information or data annually, including from public institutions of higher education, where applicable:

(1) The high demand occupations in the state, including salary and education level required for such occupations;

(2) The average cost of attendance at each state university, community college, and TCAT;

PUBLIC CHAPTER NO. 507 (cont'd)

(3) The student-level loan data for students participating or enrolling in any state university, community college, or TCAT participating in the federal loan program;

(4) The average student loan default rate for a student at a state university, community college, or TCAT;

(5) The average graduation rates for each state university and community college;

(6) The completion rates for TCATs;

(7) The average salary by degree type for graduates of state universities and community colleges; and

(8) The average salary by credential type for graduates of TCATs.

(c) THEC may make available a publicly accessible web-based platform that is capable of assisting current and prospective students in making informed decisions about possible postsecondary credential pathways and outcomes. THEC may utilize, modify, and expand an existing web-based platform for purposes of this section if the end product is capable of assisting current and prospective students in making informed decisions about possible postsecondary credential pathways and outcomes.

(d) A web-based platform developed pursuant to this section must be:

(1) Capable of searching and comparing available data across multiple programs and institution types; and

(2) Able to correlate specific institutions with the related information collected under subsection (b).

(e) Within the web-based platform, THEC may include documents, hyperlinks, or other resources related to:

(1) Additional information relative to state-funded financial aid options;

(2) Military enlistment opportunities and benefits information including the Tennessee national guard; and

(3) The highest need occupations in the state and associated salary information.

(f) A web-based platform authorized pursuant to this section shall not contain personally-identifiable information. Any personally-identifiable information collected for purposes of supporting or populating the web-based platform must be aggregated into summary statistics before the information is used to ensure that the results cannot be used to identify individual students.

[49-7-177]

SECTION 3. The Tennessee higher education commission may promulgate rules to effectuate the purposes of this act. The rules must be promulgated in

PUBLIC CHAPTER NO. 507 (cont'd)

accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 7/1/2022]

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 508**SENATE BILL NO. 1530****By Roberts, Campbell, Haile, Massey, Rose, White**

Substituted for: House Bill No. 417

By Littleton, Griffey, Hardaway, Smith, Moody, Helton, Todd, Howell,
Whitson, Eldridge

AN ACT to amend Tennessee Code Annotated, Title 37, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:**[37-1-102]****SECTION 1.** Tennessee Code Annotated, Section 37-1-102(b)(27), is amended by adding the following language as a new subdivision:

() Knowingly allowing a child to be within a structure where any of the following controlled substances are present and accessible to the child:

(i) Any Schedule I controlled substance listed in § 39-17-406;

(ii) Cocaine;

(iii) Methamphetamine; or

(iv) Fentanyl.

[Effective date 7/1/2021]**SECTION 2.** This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 509**SENATE BILL NO. 1531****By Roberts**

Substituted for: House Bill No. 427

By Littleton, Jerry Sexton, Hardaway, Smith, Helton, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5, relative to sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-15-505]

SECTION 1. Tennessee Code Annotated, Section 39-13-505, is amended by deleting subsection (c) and substituting instead the following:

(c) For purposes of this section, a victim is incapable of consent if:

(1) The sexual contact with the victim occurs during the course of a consultation, examination, ongoing treatment, therapy, or other provision of professional services described in subdivision (c)(2); and

(2) The defendant, whether licensed by the state or not, is a member of the clergy, healthcare professional, or alcohol and drug abuse counselor who was treating the victim for a mental, emotional, or physical condition.

(d) Sexual battery is a Class E felony.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 510**SENATE BILL NO. 1552****By Bailey, Bowling**

Substituted for: House Bill No. 1522

By Mr. Speaker Cameron Sexton; Gant, Hardaway, Smith, Todd, Lynn,
Camper, Cepicky, Farmer

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 12; Title 13; Title 42; Title 43; Title 44; Title 45; Title 46; Title 47; Title 48; Title 50; Title 53; Title 54; Title 55; Title 56; Title 61; Title 62; Title 65; Title 66; Title 67 and Title 68, relative to commerce.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-28-102]

SECTION 1. Tennessee Code Annotated, Section 4-28-102, is amended by adding the following language as new, appropriately designated subdivisions:

() "End date profit share percentage" means a fee paid to the state by a qualified TNInvestco as provided in§ 4-28-109 in an amount equal to ninety-nine percent (99%) of all distributions or payments made by a qualified TNInvestco that are not classified as qualified distributions, other than distributions or repayments of capital contributions by the TNInvestco's equity owners who are not participating investors and that occur after the program end date;

() "Program end date" means December 31, 2024;

[4-28-108]

SECTION 2. Tennessee Code Annotated, Section 4-28-108(c), is amended by deleting the language "The profit share percentage shall be paid to the state" and substituting instead the language "The profit share percentage or the end date profit share percentage shall be paid to the state".

[4-28-109]

SECTION 3. Tennessee Code Annotated, Section 4-28-109(a)(1)(A), is amended by deleting the following language:

At any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the profit share percentage.

and substituting instead the following:

Prior to or on the program end date, at any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the

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profit share percentage. After the program end date, at any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the end date profit share percentage.

[4-28-109]

SECTION 4. Tennessee Code Annotated, Section 4-28-109(a)(1)(B), is amended by deleting the language “to support the state’s profit share percentage” and substituting instead the language “to support the state’s profit share percentage or the end date profit share percentage”.

[4-28-115]

SECTION 5. Tennessee Code Annotated, Section 4-28-115, is amended by adding the following language at the end of the section:

Qualified investments that are liquidated after the program end date must be distributed between the qualified TNInvestco and the state according to the end date profit share percentage.

[Effective date 5/25/2021]

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 511**SENATE BILL NO. 1591****By Bailey, Jackson, Rose**

Substituted for: House Bill No. 951

By Littleton, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, Chapter 35, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-15-401]

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by inserting the following as a new subsection (d) and redesignating existing subsections (d) through (h) accordingly:

(d)(1) Any person who negligently, by act or omission, engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment, commits a Class A misdemeanor; except that, if the abused child is eight (8) years of age or less, the penalty is a Class D felony.

(2) For purposes of this subsection (d), a person engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if the person's conduct related to the controlled substance methamphetamine or any other controlled substance listed in chapter 17, part 4 of this title, except a Schedule VI controlled substance, exposes the child to the controlled substance and an analysis of a specimen of the child's blood, hair, fingernail, urine, or other bodily substance indicates the presence of methamphetamine or any other controlled substance listed in chapter 17, part 4 of this title, except a Schedule VI controlled substance, in the child's body.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 512**HOUSE BILL NO. 6**

**By Representatives Cepicky, Dixie, Hazlewood, Hardaway, Smith,
Todd, Miller, Littleton, White, Powers, Moody, Helton**

Substituted for: Senate Bill No. 229

By Senators Hensley, Pody, Robinson, Rose, Watson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to completion grants for Tennessee Promise scholarship students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-7-178]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, “eligible postsecondary institution” and “Tennessee Promise scholarship student” have the same meanings as defined in § 49-4-708.

(b) The Tennessee higher education commission shall establish a four-year pilot program to award completion grants to Tennessee Promise scholarship students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need, or who are experiencing a financial hardship, that may prevent the student from completing a postsecondary degree or credential. The Tennessee Promise partnering organizations are responsible for identifying the college coaching initiative students who are eligible for a completion grant under this subsection (b).

(c) The pilot program will begin with the 2021-2022 academic year.

(d) The commission may contract with one (1) or more entities to administer some or all portions of the pilot program. The commission is encouraged to contract with organizations that are partnering with this state to support the college coaching initiative, which is a proactive, high-impact coaching model that seeks to increase postsecondary matriculation, retention, and completion rates for the most at-risk Tennessee Promise scholarship student population.

(e) Throughout the pilot program, the commission shall collect and analyze:

(1) The number and percentage of college coaching initiative students who:

(A) Applied for a completion grant, disaggregated by each eligible postsecondary institution;

(B) Received a completion grant, disaggregated by each eligible postsecondary institution;

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(C) Remained enrolled and made progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(D) Withdrew from the eligible postsecondary institution or stopped making progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution; and

(E) Completed a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(2)

(A) The total amount of completion grants awarded, disaggregated by academic year and by each eligible postsecondary institution; and

(B) The average amount of completion grants awarded;

(3) The financial needs or hardships reported by college coaching initiative students who applied for, but did not receive, a completion grant;

(4) The financial needs or hardships reported by college coaching initiative students who applied for and received a completion grant; and

(5) Information that the commission believes may assist the general assembly in evaluating the effectiveness of the pilot program.

(f) Subject to appropriation in the general appropriations act:

(1) The commission shall not:

(A) Use net proceeds of the state lottery to fund completion grants awarded pursuant to this section; or

(B) Award more than two hundred fifty thousand dollars (\$250,000) in completion grants in the first year of the pilot program or in any subsequent year of the pilot program;

(2) The commission shall only use funds available to the commission from the unexpended balance of the qualified work-based learning grant fund established pursuant to § 49-11-903 to award completion grants pursuant to this section;

(3) All funds allocated to the commission from the funds available in the qualified work-based learning grant fund for purposes of this section that remain unexpended at the end of a fiscal year do not revert to the general fund, but must be carried forward into subsequent fiscal years to effectuate the purposes of this section;

(4) Funds allocated to the commission from the qualified work-based learning grant fund for purposes of this section for each fiscal year must provide the commission with sufficient funds to ensure that the minimum balance of funds available to the commission on July 1 of that fiscal year is not less than two hundred fifty thousand dollars

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(\$250,000), including any funds that may have been carried forward from preceding fiscal years; and

(5) Any funds that remain unexpended at the conclusion of the pilot program revert to the general fund at the end of the fiscal year.

(g) The commission shall submit an annual report on the outcomes of the pilot program to the education committee of the senate and to the education committee of the house of representatives no later than December 31, 2022, for the first year of the pilot program, and no later than December 31 of each remaining year.

(h) This section is repealed on January 1, 2026.

[Effective date 5/25/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 513**HOUSE BILL NO. 13**

By Representatives Hulsey, Griffey, Cepicky, Reedy, Weaver, Smith, Calfee, Hall, Rudd, Grills, Lafferty, Sherrell, Lynn, Zachary, Cochran, Bricken, Faison, Eldridge, Sparks, Tim Hicks, Warner, Hurt, Doggett, Todd, Moody, Keisling, Rudder, Alexander, Holsclaw

Substituted for: Senate Bill No. 187

By Senators Bowling, White, Bell, Pody, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 49; Title 50 and Title 68, relative to health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-5-115]

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

The governor shall not issue an executive order, a state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

[49-6-5001]

SECTION 2. Tennessee Code Annotated, Section 49-6-5001(b)(2), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, this section shall not apply" and substituting the language "Except as provided in subdivision (b)(3), in the absence of an epidemic or immediate threat of an epidemic, this section does not apply".

[49-6-5001]

SECTION 3. Tennessee Code Annotated, Section 49-6-5001(b), is amended by adding the following as a new subdivision:

(3) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

[68-2-603]

SECTION 4. Tennessee Code Annotated, Section 68-2-603(f), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, any person who shall file" and substituting the language "Except as provided in subsection (g), in the absence of an epidemic or immediate threat of an epidemic, any person who files".

[68-2-603]

SECTION 5. Tennessee Code Annotated, Section 68-2-603, is amended by adding the following as a new subsection:

(g) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

[68-5-106]

SECTION 6. Tennessee Code Annotated, Section 68-5-106, is amended by deleting subsection (a).

[68-5-116]

SECTION 7. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience.

(b) As used in this section:

(1) "Medical treatment" means an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus; and

(2) "Political subdivision":

(A) Means a local governmental entity, including a city, town,

municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a governmental entity that is subject to a federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object to the medical treatment on religious grounds or right of conscience.

(c) This section does not apply to a student of a public institution of higher education created pursuant to title 49, who is subject to the policies or rules of a private office that delivers healthcare services or of a healthcare facility, as defined in § 68-11- 201, that is not owned or controlled by the public institution of higher education, when the student is participating in a program of study or fulfilling educational requirements for a program of study in:

(1) Medicine;

(2) Dentistry;

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- (3) Pharmacy; or
- (4) Another healthcare profession.

[Effective date 5/25/2021]

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 514

HOUSE BILL NO. 129

By Representatives Hazlewood, Lamberth, Crawford

Substituted for: Senate Bill No. 147

By Senators Watson, Bowling

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 1, relative to legislative sessions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[3-1-117]

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following as a new section:

Whenever a written request to convene for an extraordinary session is initiated by members of the senate and the house of representatives in accordance with the Constitution of Tennessee, Article II, § 8, signatures by the members may be provided electronically. The use of an electronic signature has the same validity and effect as the use of a signature affixed by hand.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 515

HOUSE BILL NO. 142

By Representatives Lamberth, Gant, Terry, Smith, Sherrell, Hawk,
Mr. Speaker Sexton, Love, Dixie, Cooper, Hardaway, Moon, Towns,
Crawford, White, Parkinson, Moody, Carr, Mannis, Littleton,
Alexander, Thompson, Cepicky, Lynn, Eldridge, Hurt, Hodges,
Camper, Gillespie, Chism, Jernigan, McKenzie

Substituted for: Senate Bill No. 751

By Senators Johnson, Watson, Massey, White, Akbari, Crowe, Campbell,
Stevens, Walley, Yarbrow, Briggs, Gilmore, Jackson

AN ACT to amend Tennessee Code Annotated, Section 71-1-105; Section 71-3-104; Section 71-3-105; Section 71-3-120; Title 71, Chapter 5, Part 12 and Section 71-5-314, relative to public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-1-105]

SECTION 1. Tennessee Code Annotated, Section 71-1-105(a)(16), is amended by deleting the subdivision and substituting:

(16)

(A) Conduct investigations, including, but not limited to, investigation into the existence of:

(i) Trafficking in, or fraud involving, the food assistance program administered by the department pursuant to chapter 5, part 3 of this title;

(ii) Fraud, abuse, theft, misappropriation, or misuse of property, funds, or services by a person or entity in a program administered by the department; and

(iii) Misconduct by an employee, contractor, or agent of the department concerning or related to the operation of a department program or laws, regulations, or policies governing the department's operations; and

(B)

(i) Except as provided in subdivisions (a)(16)(B)(ii) and (iii), records and information obtained pursuant to an investigation conducted pursuant to this subdivision (a)(16), including the identities of witnesses or individuals with information relevant to the investigations, are confidential and not open for inspection by members of the public under title 10, chapter 7; however, operational records of a state agency, including the department, which are not investigative records or not otherwise protected under state or federal law or other legal authority, must remain open for inspection by members of the public;

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(ii) The records and information to which this subdivision (a)(16)(B) applies cease to be confidential under subdivision (a)(16)(B)(i) upon closure of the investigation by the department and final adjudication of any administrative appeal of an action taken based upon the results of the investigation or the conclusion of all court proceedings in a criminal prosecution related to the investigation as evidenced by an order of the court, including the opportunity for direct appeal having been exhausted, whichever occurs later;

(iii) This subdivision (a)(16)(B) does not prevent the department from sharing information or records with the district attorney general or law enforcement personnel for the purpose of cooperating with a law enforcement investigation or with the comptroller of the treasury or the comptroller's designee for the purpose of audit. Information or records that the department shares with the district attorney general or law enforcement remain confidential under subdivision (a)(16)(B)(i), except to the extent that a court orders otherwise, the information or records are used as evidence in a criminal prosecution, or the Tennessee rules of criminal procedure require disclosure. Information or records that the department shares with the comptroller or comptroller's designee for the purpose of audit remain confidential under subdivision (a)(16)(B)(i) and under § 10-7-504(a)(22)(A) as an audit working paper; and

(iv) A knowing violation of this subdivision (a)(16)(B) is a Class B misdemeanor.

[71-3-120]

SECTION 2. Tennessee Code Annotated, Section 71-3-120(d), is amended by deleting the language "or both;" and substituting the language "or both, unless the offense is committed by means of a willfully false impersonation, assumption of a false identity, or presentation of a false identification, in which case the fine is not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000);".

[71-3-120]

SECTION 3. Tennessee Code Annotated, Section 71-5-314(d), is amended by deleting the language "or both;" and substituting the language "or both, unless the offense is committed by means of a willfully false impersonation, assumption of a false identity, or presentation of a false identification, in which case the fine is not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000);".

[T. 71, ch. 5, part 12; 71-5-1201; 71-5-1202; 71-5-1203; 71-5-12014]

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 12, is amended by deleting the part and substituting:

71-5-1201. Families first community advisory board.

(a)

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(1) There is created a families first community advisory board to:

(A) Approve the department's retention of a research partner or partners to assist in the research and evaluation of the Tennessee opportunity pilot program created by this part;

(B) Review and approve the selection of the Tennessee opportunity pilot program recipients of planning grants and implementation grants;

(C) Submit a final report to the general assembly no later than December 31, 2025. The final report must be approved by a majority vote of the advisory board's total membership and must include, at a minimum:

(i) Findings from the Tennessee opportunity pilots and the services provided through each pilot;

(ii) Recommendations for future TANF program spending in this state; and

(iii) Suggested legislation to support the recommendations described in subdivision (a)(1)(C)(ii);

(D) Provide input regarding the effectiveness of existing families first and two-generation program policies and grant programs; and

(E) Make recommendations regarding the development of new or revised policies to enhance the families first and two-generation programs.

(2) An advisory board member appointed in accordance with subdivision (b)(6) or (b)(7) shall not vote on matters regarding the review and approval of Tennessee opportunity pilot program recipients of planning grants and implementation grants under subdivision (a)(1)(B), or any other matter involving the review and approval of recipients of monetary awards or grants.

(b) The advisory board is composed of 110 more than twenty-one (21) members as follows:

(1) The commissioner of human services, who shall serve as chair and convener;

(2) The commissioner of labor and workforce development, or the commissioner's designee;

(3) The commissioner of economic and community development, or the commissioner's designee;

(4) The commissioner of education, or the commissioner's designee;

(5) The commissioner of health, or the commissioner's designee;

(6) Two (2) members of the senate to be appointed by the speaker of the senate;

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(7) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives;

(8) Three (3) representatives from businesses or business groups in this state, two (2) of whom are to be appointed by the speaker of the senate and one (1) of whom is to be appointed by the speaker of the house of representatives;

(9) Three (3) representatives from nonprofits in this state with expertise about services that support economic advancement for low income Tennesseans, one (1) of whom is to be appointed by the speaker of the senate and two (2) of whom are to be appointed by the speaker of the house of representatives; and

(10) No more than six (6) members to be appointed by the commissioner of human services. A member appointed under this subdivision (b)(10) must be a representative of local government, a faith-based organization, a Workforce Innovation and Opportunity Act (29 U.S.C. § 3101 et seq.) partner, or a current or former recipient of families first or two-generation program assistance.

(c) Members of the families first community advisory board serve without compensation for their services but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(d) Vacancies among the members of the families first community advisory board must be filled in the same manner as in the original selection of members.

(e) The speaker of the senate and the speaker of the house of representatives shall strive to ensure that members appointed to the families first community advisory board reflect the racial, sex, geographic, urban, rural, and economic diversity of the state.

(f) The commissioner of human services must call the first meeting of the families first community advisory board no later than September 1, 2021, at which time the members shall elect a vice chair from among the members appointed pursuant to subdivisions (b)(6)-(10).

(g) A majority of the members of the advisory board constitutes a quorum for the purpose of meeting and conducting business. The families first community advisory board shall meet at least monthly until all implementation grant awards are made, and at least quarterly thereafter. The chair may call special meetings whenever necessary for the transaction of business. The chair shall notify each member of the families first community advisory board of any special meeting at least five (5) days before the time fixed for the special meeting. A majority of the members of the families first community advisory board may petition the chair to call a special meeting, in which case the chair must call a special meeting.

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(h) The families first community advisory board may conduct regular or special meetings by conference call or video conference in accordance with the requirements of § 8-44-108.

(i) The families first community advisory board shall retain a highly capable research and evaluation partner or partners to evaluate each pilot program; regularly gather and present the research and data to pilot program leaders and families first community advisory board members to aid continuous improvement throughout each pilot program; and produce regular reports and the final report described in subdivision (a)(3).

(j) The chair of the families first community advisory board may call on appropriate state agencies for reasonable assistance in the work of the families first community advisory board.

71-5-1202. Families first community grants program.

(a) The department shall begin accepting grant applications from eligible nonprofit organizations and other qualified entities, distributed proportionally across the three (3) grand divisions of the state to the extent possible, for programs to provide services to families and individuals eligible for the TANF program and in furtherance of the four (4) purposes of the TANF program.

(b) The department must award community grants in amounts not to exceed fifty million dollars (\$50,000,000), subject to appropriations in the general appropriations act, using funds from the department's existing surplus reserve of TANF funds.

(c) The department is authorized to select community intermediaries and external compliance partners to assist in outreach and marketing, evaluation of grant proposals, administration of the grant program funding, and monitoring to ensure compliance with applicable state and federal requirements; provided, that the costs of these activities do not exceed the amount of federal TANF funds available for those purposes.

71-5-1203. Tennessee opportunity pilot program grants.

(a) In fiscal year 2022, the department shall dedicate one hundred eighty-two million dollars (\$182,000,000), subject to appropriations in the general appropriations act, from the department's existing surplus reserve of TANF funds to support the planning, implementation, and evaluation of three-year Tennessee opportunity pilot programs in six (6) communities and one (1) pilot program to be administered by the department with the goal of demonstrating the efficacy of well-implemented two-generation approaches to improving education, health, and economic outcomes for children and the adults in those children's lives.

(b)

(1) By July 1, 2021, the department shall dedicate up to five million dollars (\$5,000,000), subject to appropriations in the general appropriations act, from the funds dedicated in subsection (a) for

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Tennessee opportunity pilot planning grants. The department shall award no more than fifty (50) planning grants. The following entities may apply for a planning grant:

- (A) A political subdivision of this state;
- (B) A nonprofit corporation, created pursuant to title 48;
- (C) A development district, created pursuant to the Development District Act of 1965, compiled in title 13, chapter 14; and
- (D) A human resource agency, created pursuant to the Human Resource Agency Act of 1973, compiled in title 13, chapter 26.

(2) The department shall award the planning grants no earlier than October 1, 2021, in amounts up to five hundred thousand dollars (\$500,000), subject to appropriations in the general appropriations act, to applicants that demonstrate commitment and capacity to create a compelling two-generation plan for increasing economic advancement and family well-being in the community. An application must include a detailed description of how the applicant intends to utilize evidence-based practices and evidence-informed practices, including, but not limited to:³

- (A) Home visiting services;
- (B) High-quality child care programs and child care provider networks;
- (C) Wrap-around services;
- (D) After school and summer learning programs with curricula approved by the department of education;
- (E) Workforce training and apprenticeship programs;
- (F) Economic advancement supports, including transportation and housing;
- (G) High-quality data systems for accountability and continuous improvement; and
- (H) Other evidence-based and evidence-informed solutions identified by the community.

(3) The department shall define and determine the grant application guidelines, award levels, and selection criteria.

(4) The department shall select the planning grant recipient communities and ensure that the recipient communities represent a mix of urban, rural, and suburban populations in this state.

(c) By May 1, 2022, and subject to subsection (d), the department shall award a three-year implementation grant up to twenty-five million dollars (\$25,000,000), subject to appropriations in the general appropriations act, to each of six (6) implementation grantees selected from the planning grant recipients that submitted the most compelling and qualified Tennessee opportunity pilot program plans pursuant to subdivision (b)(1). The department shall distribute an implementation grant to each selected implementation grantee in an amount of twenty-

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five million dollars (\$25,000,000), subject to appropriations in the general appropriations act, over three (3) years with no single recipient receiving more than twenty-five million dollars (\$25,000,000) over the course of the pilot.

(d) The department shall select the implementation grantees and ensure that there are two (2) implementation grantees from each grand division and that there is a mix of urban, rural, and suburban populations in this state.

(e) No earlier than October 1, 2021, the department shall select and fund a research partner or partners that will support the research and evaluation of the Tennessee opportunity pilot programs. Selected partners shall utilize scientific approaches to research and evaluation, such as randomized controlled trials.

(f) In the event the federal government deems planning grants to be administrative costs, the department must utilize its remaining fiscal capacity for administrative costs to provide the grants. The remainder of funds dedicated for planning grants must be reallocated across the six (6) pilot program grantees with approval of the advisory board.

71-5-1204. Unexpended and reserve of funds from the temporary assistance for needy families (TANF) program.

(a) The department shall, at the beginning of federal fiscal year 2022, ensure that a rainy-day fund in an amount not to exceed the TANF annual federal award of the existing reserve of federal TANF funds remain unobligated in order to address unforeseen future economic needs, including those resulting from an emergency that has been declared in the state or an economic downturn having statewide impact.

(b) The department shall seek to replenish funds used from the TANF rainy-day reserve fund in the following fiscal year or as soon as the funds are available.

(c) If the amendment to the existing TennCare II waiver authorizing the bureau of TennCare to create reasonable work and community engagement requirements for able-bodied working-age adult enrollees without dependent children under six (6) years of age as provided under § 71-5-158 is approved by the federal centers for medicare and medicaid services, then the department is authorized to set aside fifty-four million dollars (\$54,000,000), subject to appropriations in the general appropriations act, in TANF funds to address this expenditure.

(d)

(1) In the twelve-month period following the end of each federal fiscal year, the department must spend or obligate one hundred percent (100%) of unobligated TANF funds that are not allocated to the department's administrative overhead costs; that are not part of the reserve as described in subsection (a); that are not dedicated to the Tennessee opportunity pilot program pursuant to § 71-5-1203; that are

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not used for the department's cash assistance program; and that are not used on a program or service deemed necessary by the department.

(2) Expenditures described in subdivision (d)(1) must be made to eligible nonprofit organizations, other qualified entities, or other federally approved state program to provide services to families and individuals eligible for the TANF program and in furtherance of the four (4) purposes of the TANF program. These services must be distributed, to the extent possible, across this state's ninety-five (95) counties in proportion to each county's percentage share of Tennessee children living in households with incomes at or below the federal poverty level as confirmed by the comptroller of the treasury.

(e) Beginning in the quarter following the end of federal fiscal year 2021, the department shall notify the public of the amount of funds available to be allocated statewide and request and accept proposals from eligible nonprofit organizations and other qualified entities to provide evidence-based and evidence-informed programs and services to individuals and families who are eligible to receive funds from the TANF program pursuant to subsection (a).

[71-3-104]

SECTION 5. Tennessee Code Annotated, Section 71-3-104(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) To the extent permitted by federal law and guidance, the department shall create a two-year pilot program establishing an optional alternative temporary assistance pathway offering enhanced educational support services or enhanced cash assistance for families with individuals who are actively pursuing a degree, professional certification, or other educational advancement.

(B) In addition to requirements established by the department by rule pursuant to this subdivision (a)(2), the eligibility requirements of subdivision (a)(1) and this part apply to families or individuals seeking assistance under this subdivision (a)(2).

(C) A family may elect that all enhanced temporary assistance for which the family qualifies under this subdivision (a)(2) be provided as enhanced support services, rather than enhanced cash assistance.

(D) Notwithstanding § 71-3-105(f)(2), the department shall establish by rule the maximum enhanced grant amounts for families participating in the alternative temporary assistance pathway under this subdivision (a)(2), which must not exceed an amount one hundred percent (100%) greater than the maximum grant amounts authorized under § 71-3-105(f)(2).

PUBLIC CHAPTER NO. 515 (cont'd)

(E) The annual cost of the pilot program authorized under this subdivision (a)(2) must not exceed the amount of the state's annual federal temporary assistance for needy families block grant award.

(F) The pilot program established under this subdivision (a)(2) terminates two (2) years from the effective date of the first rule promulgated pursuant to this subdivision (a)(2) regarding the program.

[71-3-105]

SECTION 6. Tennessee Code Annotated, Section 71-3-105(f)(2), is amended by deleting the subdivision and substituting:

(A) Notwithstanding subdivision (f)(2)(B), the maximum grants for the temporary assistance program, expressed as a percentage of the standard of need, may be raised if approved as a line item in the annual appropriations act or by rule.

(B) The maximum standard grant for the temporary assistance program for all assistance group sizes is no less than twenty-five percent (25%) of the standard of need for the applicable assistance group size.

(C) The department is authorized to promulgate rules to effectuate this subsection (f) in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[71-3-105]

SECTION 7. Tennessee Code Annotated, Section 71-3-105(f), is amended by adding the following as a new subdivision:

(3) The department of human services shall conduct a study or engage with a research partner to study the impact and effectiveness of the increase in the maximum standard grant and lifetime maximum benefit timeframe authorized under this act.

SECTION 8. The commissioner of human services is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. The annual cost of any program or expenditure authorized under this act must not cause the department to exceed the amount of the annual federal temporary assistance for needy families block grant award available for use on administrative costs.

SECTION 10. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

PUBLIC CHAPTER NO. 515 (cont'd)

[Effective date 7/1/2021]

SECTION 11. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 516**HOUSE BILL NO. 159**

**By Representatives Williams, Todd, Sherrell, White, Hulsey, Reedy,
Hazlewood, Littleton, Calfee**

Substituted for: Senate Bill No. 1608

By Senators Bailey, Stevens

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 10; Title 12; Title 39; Title 40 and Title 41, relative to privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-612]

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "Personal Privacy Protection Act."

(b) As used in this section:

(1) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws;

(2) "Nonfinancial support" means gifts of securities, real property, services, or other in-kind donations;

(3) "Personal information" means the name and data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under § 501(c) of the Internal Revenue Code; and

(4) "Public agency" means any state or local governmental unit, department, or agency, however designated, which requires an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the public agency with the names and other personal information of its members, supporters, volunteers, or donors.

(c) Notwithstanding any law to the contrary, and subject to subsections (e), (g), and (h), a public agency shall not:

(1) Release, publicize, or otherwise publicly disclose personal information in possession of that public agency; and

(2) Require an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the names or other personal information of persons who have provided financial or nonfinancial support to the exempt entity.

PUBLIC CHAPTER NO. 516 (cont'd)

(d) A public agency may share personal information with a federal agency as required by federal law. However, personal information shared pursuant to this subsection (d) is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(e) This section does not preclude:

- (1) A report or disclosure required by title 2, chapter 10;
- (2) A report or disclosure required by title 3, chapter 6;
- (3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation;
- (4) A lawful warrant for personal information issued by a court of competent jurisdiction;
- (5) A lawful request for discovery of personal information in litigation if the following conditions are met:

(A) The requester demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requester obtains a protective order barring disclosure of the personal information to any person not named in the litigation;

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, the court shall issue a protective order barring disclosure of the personal information to any person not named in the litigation;

(7) A state agency from requesting or disclosing personal information as required by federal or state law;

(8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action; or

(9) The enforcement of title 48, chapter 101, part 5, by the appropriate state officials.

(f) A person who knowingly violates this section commits a Class B misdemeanor.

(g) The comptroller of the treasury or the comptroller's designated representative shall have access to personal information for purposes of audit or investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(h) A state agency or the agency's designated representative shall have access to personal information for purposes of conducting an audit, monitoring, verifying eligibility for benefits, conducting a background check, or conducting an investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(i) An institution of higher education is not subject to this section.

PUBLIC CHAPTER NO. 516 (cont'd)

(j) This section does not apply to a national securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-3), as amended, or regulations adopted under the Act, or any information such national securities association provides to the commissioner of commerce and insurance pursuant to title 48, chapter 1, and rules promulgated pursuant to that chapter.

[Effective date 10/1/2021]

SECTION 2. This act takes effect October 1, 2021, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

PUBLIC CHAPTER NO. 517**HOUSE BILL NO. 191****By Representatives Hulsey, Gant, Crawford, Todd**

Substituted for: Senate Bill No. 170

By Senator Lundberg

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 20, relative to excise taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-4-2009]

SECTION 1. Tennessee Code Annotated, Section 67-4-2009(3), is amended by adding the following as a new, appropriately designated subdivision:

() Notwithstanding any law to the contrary, a taxpayer that has previously made a capital investment in excess of one billion dollars (\$1,000,000,000) during a single investment period and has previously qualified for the credit provided in § 67-6-224 and that qualifies during the applicable tax year for, but chooses to not make, the election under § 67-4-2012(1), shall, upon written request submitted to the commissioner, be allowed to offset up to one hundred percent (100%) of its excise tax liability by the industrial machinery credit provided in this subdivision (3), or any carryforward of the industrial machinery credit, if the commissioners of revenue and economic and community development determine that increasing the percentage of offset above fifty percent (50%), as limited by subdivision (3)(B), will allow the taxpayer to maximize the use of its industrial machinery credits while resulting in an excise tax liability substantially equal to the amount otherwise due if the taxpayer had made the election under § 67-4-2012(1). The commissioners of revenue and the commissioner of economic and community development shall determine the percentage of excise tax liability allowed to be offset, above that otherwise allowed by subdivision (3)(B), and the period during which the increased offset shall continue;

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it.

PUBLIC CHAPTER NO. 518**HOUSE BILL NO. 202**

**By Representatives Windle, Russell, Moody, Cepicky, Sherrell,
Whitson, Helton, Clemmons, Keisling**

Substituted for: Senate Bill No. 1607

By Senators Bailey, Yager, Pody

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7 and Title 8, Chapter 27, relative to health benefits for retired members of the Tennessee highway patrol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-27-205]

SECTION 1. Tennessee Code Annotated, Section 8-27-205(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1)

(A) The state insurance committee shall establish a schedule of premiums and is authorized to establish a schedule of defined contributions for retirees eligible for the health benefits established under this part. The schedule shall be graduated to reflect the retiree's length of service.

(B) Retirees with thirty (30) or more years of service shall receive eighty percent (80%) of the scheduled premium or defined contribution.

(C)

(i) Except as provided in subdivision (b)(1)(C)(ii), retirees with twenty (20) years of service, but less than thirty (30) years of service, shall receive seventy percent (70%) of the scheduled premium or defined contribution.

(ii) Any Tennessee highway patrol member who is a retiree with twenty-five (25) years of service shall receive eighty percent (80%) of the scheduled premium or defined contribution.

(D) Retirees having less than twenty (20) years of service shall receive sixty percent (60%) of the scheduled premium or defined contribution.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to persons retiring on or after January 1, 2021.

PUBLIC CHAPTER NO. 519**HOUSE BILL NO. 210**

By Representatives Carringer, Ragan, Weaver, Cepicky, Hardaway

Substituted for: Senate Bill No. 1147

By Senator White

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, relative to publishing curriculum.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-2-138]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "curriculum" means a list of courses available to students enrolled in the LEA, accompanied by a course description and a list of the materials that will be used to provide instruction for the course.

(b) An LEA shall publish the LEA's curriculum on the LEA's website. The LEA shall update the website of any curriculum changes at the beginning of each semester.

[Effective date 7/1/2022]

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to the 2022-2023 school year and each school year thereafter.

PUBLIC CHAPTER NO. 520**HOUSE BILL NO. 217****By Representatives Curcio, Hodges**

Substituted for: Senate Bill No. 219

By Senator Powers

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-11-318]

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (a) and substituting instead the following:

(a) "Bounty hunting" means a person acting as an agent of a professional bondsman who attempts to take or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. "Bounty hunting" does not include the taking into custody of a person by a professional bondsman if the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has contracted.

[40-11-318]

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) The following persons are prohibited from serving as a bounty hunter in this state:

(A) A person who has been convicted of a felony in any state; or

(B) A person who has been convicted of two (2) or more Class A or Class 8 misdemeanors in this state, or equivalent offenses in any other state, within the past five (5) years.

(2) A violation of subdivision (b)(1) is a Class A misdemeanor.

[40-11-401]

SECTION 3. Tennessee Code Annotated, Section 40-11-401, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

PUBLIC CHAPTER NO. 520 (cont'd)

(b) Each person acting as a bounty hunter pursuant to § 40-11-318, including a professional bondsman acting as a bounty hunter, must obtain eight (8) hours of continuing education credits during each twelve-month period beginning on January 1, 2022, and at least five (5) of the eight (8) hours must have a specific focus on bounty hunting.

[40-11-133]

SECTION 4. Tennessee Code Annotated, Section 40-11-133, is amended by adding the following language as a new subsection:

(e) A professional bondsman or the agent of a professional bondsman who is arresting a defendant pursuant to this section is prohibited from:

(1) Making a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization;

(2) Wearing clothing or a uniform intended to give the impression that the professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or

(3) Wearing clothing bearing an identifying title other than "Bail Bondsman".

[Effective date 5/25/2021]

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 521

HOUSE BILL NO. 322

By Representatives Hodges, Hall, Moon, Ragan, Wright, Reedy, Griffey, Cooper, Whitson, Windle, Calfee, Parkinson, Hardaway, Sherrell, Moody, Thompson, Warner, Freeman, Gloria Johnson, Helton, Cepicky, Todd, Clemmons, Love, Jernigan, Dixie, Miller, Camper

Substituted for: Senate Bill No. 521

By Senators Briggs, White, Yager, Crowe, Jackson, Lundberg, Niceley, Powers, Rose, Yarbrow

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 3, relative to discounts at state parks for veterans with service-connected disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[11-3-121]

SECTION 1. Tennessee Code Annotated, Section 11-3-121, is amended by deleting subdivision (b)(1) and substituting:

(A) The commissioner shall offer discounted rates for activities at state parks to veterans who are Tennessee residents.

(B) The commissioner shall offer a year-round discount in the amount of no less than fifty percent (50%) for camping and overnight cabin lodging fees at state parks to a veteran who:

(i) Has a service-connected disability that is determined by the veterans' administration to constitute a one hundred percent (100%) permanent total disability; and

(ii) Is a resident of this state.

(C) Certification from the veterans' administration indicating the veteran's percentage of service-connected disability and proof of Tennessee residency must be presented in order to receive the discounted fee. This discount is subject to availability, as determined by the commissioner, and only applies to reservations made within thirty (30) days of the intended stay.

(D) Except for the discounts required by subdivision (b)(1) (B), the commissioner may determine the specific activities for which other discounts would apply, as well as the timing and amount of each discount; provided, that the other discounts must only be offered to resident veterans during the off season.

[11-3-121]

SECTION 2. The commissioner shall promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with

PUBLIC CHAPTER NO. 521 (cont'd)

the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 522**HOUSE BILL NO. 358****By Representatives Marsh, Lamberth, Sherrell, Todd**

Substituted for: Senate Bill No. 563

By Senators Bowling, Walley, Pody

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, relative to delinquent personal property taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-5-2004]

SECTION 1. Tennessee Code Annotated, Section 67-5-2004, is amended by designating the existing language as subsection (a) and adding the following:

(b)

(1)

(A) The county trustee may proceed against a taxpayer who is delinquent in the payment of tangible personal property taxes by retaining an agent to collect such delinquent tangible personal property taxes, plus interest authorized by law, reasonable costs, and legal fees, provided that the collection activities are in compliance with this subsection (b).

(B) If a collection agent is retained, the county trustee shall utilize the bidding procedures applicable to the county to select and retain the agent and shall notify the county legislative body of such action. The agent's collection fee shall not exceed thirty percent (30%) of tangible personal property taxes due, and the fee must be added to the total amount of delinquent tangible personal property taxes owed, plus interest authorized by law, reasonable costs, and legal fees.

(C) A contract or other arrangement entered into to retain a collection agent under this subsection (b) shall not provide that the compensation paid to the agent is conditioned on increasing tangible personal property tax collections in the county involved. A contract found to contain such language is void and unenforceable.

(D) An agent shall not communicate with the delinquent taxpayer or proceed upon the delinquent taxpayer's property unless authorization to take such action is provided in the contract. The agent shall not institute or undertake a collection or related activity in violation of the Tennessee Collection Service Act, compiled in title 62, chapter 20.

(E) An agent retained pursuant to this subsection (b) must be licensed and in good standing with the Tennessee collection service board.

PUBLIC CHAPTER NO. 522 (cont'd)

(F) All foreclosures, seizures, litigation, or other judicial or non-judicial proceedings to enforce a tax lien or any similar rights to collect delinquent tangible personal property taxes, plus interest authorized by law, reasonable costs, and legal fees, must be in the name of the taxing jurisdiction as the plaintiff or claimant.

(G) An agent who also performs audit procedures shall not be retained to collect delinquent tangible personal property taxes under this section.

(2) This subsection (b) is repealed on July 1, 2024.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 523**HOUSE BILL NO. 374**

**By Representatives Casada, Curcio, Griffey, Smith, White, Hulsey,
Haston, Carr, Todd, Littleton**

Substituted for: Senate Bill No. 457

By Senators Bell, Pody, Gardenhire, Jackson, Powers, Rose

AN ACT to amend Tennessee Code Annotated, Title 38, relative to law enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[38-8-312]

SECTION 1. Tennessee Code Annotated, Section 38-8-312, is amended by adding the following as a new subsection:

(h)

(1) In any jurisdiction in which the local law enforcement agency conducts a citizen police academy or similar program:

(A) Each member serving on a community oversight board as of July 1, 2021, shall complete the local law enforcement agency's citizen police academy or similar program by June 30, 2022; and

(B) Members appointed to serve on a community oversight board after July 1, 2021, shall complete the local law enforcement agency's citizen police academy or similar program within twelve (12) months of beginning service on the board.

(2) If a local law enforcement agency does not offer a citizen police academy or similar program that can be completed within the twelve (12) month timeframe required by subdivision (h)(1), then the member shall complete the agency's next available citizen police academy or similar program.

(3) A member who fails to comply with the requirement of this subsection (h) serves as a non-voting member until the member completes the academy or program. If the majority of the members of the community oversight board are non-voting members, then the board shall not take any official action until a majority of the members have completed the academy or program necessary to restore the members' voting statuses.

[38-8-312]

SECTION 2. Tennessee Code Annotated, Section 38-8-312(g), is amended by adding the following as a new subdivision:

(3) "Citizen police academy" means any program established by a law enforcement agency to educate citizens on law enforcement operations, practice, and training;

PUBLIC CHAPTER NO. 523 (cont'd)**[Effective date 7/1/2021]**

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 524**HOUSE BILL NO. 419**

**By Representatives Cepicky, Mr. Speaker Sexton, Smith, Rudder,
Hazlewood, Sherrell, Parkinson, Doggett, Todd, Eldridge, Powers,
Helton**

Substituted for: Senate Bill No. 319

By Senators Hensley, Bowling, Pody, Stevens

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, relative to services covered by TennCare.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-5-107]

SECTION 1. Tennessee Code Annotated, Section 71-5-107(a), is amended by adding the following as a new subdivision:

() Services within the practice of chiropractic performed by a person who is authorized by title 63, chapter 4, to engage in the practice of chiropractic.

[Effective date 1/1/2022]

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 525**HOUSE BILL NO. 430**

**By Representatives Lamberth, Littleton, Griffey,,Jerry Sexton,
Sherrell, Hazlewood, Hardaway, Reedy, Smith, Todd, Moody, Mannis,
Doggett, Cepicky, Terry**

Substituted for: Senate Bill No. 628

By Senators Bell, Bowling, White, Rose

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to sentencing for certain sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-524]

SECTION 1. Tennessee Code Annotated, Section 39-13-524(a), is amended by adding the following as a new subdivision:

(4) July 1, 2021, facilitates the commission of a violation of § 39-13-522 or § 39-13-531.

[40-35-501]

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

() There shall be no release eligibility for a person committing facilitation of rape of a child, under § 39-13-522, or aggravated rape of a child, under § 39-13-531, on or after July 1, 2021, until the person has served one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236 or any other law shall operate to reduce the mandatory minimum sentence imposed by the court by more than fifteen percent (15%).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 526**HOUSE BILL NO. 447****By Representatives Warner, Ragan**

Substituted for: Senate Bill No. 259

By Senator Niceley

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 1, relative to the administration of the child support program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-1-132]

SECTION 1. Tennessee Code Annotated, Section 71-1-132, is amended by deleting subsection (d) and substituting:

(d) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this section, the department shall send the rules for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association; two (2) representatives of the judges of courts who have child support responsibilities, one (1) of whom will be appointed by the chief justice of the supreme court and one (1) of whom will be appointed by the president of the council of juvenile and family court judges; one (1) representative of the administrative office of the courts; two (2) citizen representatives who are attorneys appointed by the commissioner of human services, one (1) of whom will be an advocate for child support obligors and one (1) of whom will be an advocate for child support obligees; and two (2) representatives of the department of human services designated by the commissioner. The department shall implement procedures to ensure that the work of the advisory group is accountable and transparent to the public. This section does not prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives, nor does the requirement of this subsection (d) supersede any requirements of subsection (c).

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 527**HOUSE BILL NO. 488**

**By Representatives Williams, Hazlewood, Russell, Moody, Alexander,
Todd**

Substituted for: Senate Bill No. 1560

By Senators Bailey, Yager, Rose, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 12; Title 13; Title 35, Chapter 8, Part 1; Section 37-10-204; Section 38-6-121; Title 39; Title 40, Chapter 6, Part 3; Title 47, Chapter 18; Title 54; Title 55; Title 65; Title 66; Title 67 and Title 68, relative to telecommunications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[12-2-403]

SECTION 1. Tennessee Code Annotated, Section 12-2-403, is amended by adding the following as a new subsection:

(h)

(1) Notwithstanding any other law to the contrary, the department of safety may, without payment of financial consideration and following notice to the commissioner of general services, transfer a surplus first responder two-way radio held by the department to the county government of a county that is designated as a distressed county in the most recently published edition of the Appalachian Regional Commission economic classification system index.

(2) After the transfer of a surplus two-way radio to a distressed county under subdivision (h)(1), other surplus two-way radios may then be transferred to other county governments in need of such equipment that submit proof to the department's satisfaction that such counties cannot purchase the radios within the budget for that fiscal year.

(3) Surplus first responder two-way radios held by the department that were obtained from the federal government or purchased with federal grant funds must be transferred in accordance with federal law or regulation regarding such property.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 528

HOUSE BILL NO. 511

By Representatives Gant, Lamberth, Faison, Terry, Grills, Todd, Moody, Curcio, Hazlewood, Halford, Tim Hicks, Crawford, Eldridge, Weaver, Howell, Zachary, Littleton, Cepicky, Reedy, Holsclaw, Doggett, Curtis Johnson, Hawk, Haston, Farmer, Griffey, Carringer, Gillespie, Rudd, Russell, Moon, Alexander, Wright, Windle, White, Gary Hicks, Bricken, Sherrell, Smith, Hurt, Whitson, Mannis, Ragan

Substituted for: Senate Bill No. 841

By Senators Johnson, Bowling, Crowe, Jackson, Rose, Stevens, Pody, White

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, relative to first degree murder.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-202]

SECTION 1. Tennessee Code Annotated, Section 39-13-202(a)(2), is amended by deleting the language "act of terrorism,".

[39-13-202]

SECTION 2. Tennessee Code Annotated, Section 39-13-202(a), is amended by adding the following as a new subdivision:

(4) A killing of another in the perpetration or attempted perpetration of an act of terrorism in violation of § 39-13-805.

[39-13-202]

SECTION 3. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subsection (b) and substituting:

(b) No culpable mental state is required for conviction under subdivisions (a)(2) - (4), except the intent to commit the enumerated offenses or acts in those subdivisions.

[39-13-202]

SECTION 4. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subsection (c) and substituting:

(c)

(1) Except as provided in subdivision (c)(2), a person convicted of first degree murder under subdivisions (a)(1) - (4) shall be punished by:

(A) Death;

(B) Imprisonment for life without possibility of parole; or

(C) Imprisonment for life.

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(2) If a person convicted of first degree murder under subdivision (a)(4) was an adult at the time of commission of the offense, then the person shall be punished by:

(A) Death; or

(B) Imprisonment for life without possibility of parole.

[39-13-204]

SECTION 5. Tennessee Code Annotated, Section 39-13-204(e)(2), is amended by deleting the language “three (3)” and by deleting the second sentence of the subdivision and substituting:

If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1), then the jury shall be instructed that a defendant who receives a sentence of imprisonment for life shall not be eligible for parole consideration until the defendant has served at least fifty-one (51) full calendar years of the sentence.

[39-13-204]

SECTION 6. Tennessee Code Annotated, Section 39-13-204(f)(1), is amended by deleting the language “If the jury unanimously determines” and substituting instead “If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1) and the jury unanimously determines”.

[39-13-204]

SECTION 7. Tennessee Code Annotated, Section 39-13-204(f)(2), is amended by deleting the language “If the jury unanimously determines” and substituting instead “Except as provided in subdivision (f)(2)(B), if the jury unanimously determines”.

[39-13-204]

SECTION 8. Tennessee Code Annotated, Section 39-13-204(f), is amended by designating the current subdivision (f)(2) as subdivision (f)(2)(A) and inserting the following new subdivision (f)(2)(B):

(B)

(i) If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(2) and the jury unanimously determines that no statutory aggravating circumstance has been proven by the state beyond a reasonable doubt, or that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt, then the sentence shall be imprisonment for life without possibility of parole.

(ii) If imprisonment for life without possibility of parole is the sentence of the jury, then the jury shall reduce to writing the finding that no statutory aggravating circumstance or circumstances

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have been proven by the state beyond a reasonable doubt, or that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt.

(iii) These findings and verdict must be returned to the judge upon a form provided by the court, which may appear substantially as follows:

PUNISHMENT OF IMPRISONMENT FOR LIFE WITHOUT POSSIBILITY OF PAROLE

[] We, the jury, unanimously agree that no statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt and that the defendant shall be sentenced to imprisonment for life without possibility of parole.

[] We, the jury, unanimously agree that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt and that the defendant shall be sentenced to imprisonment for life without possibility of parole.

Isl _____ Jury Foreperson	Isl _____ Juror
Isl _____ Juror	Isl _____ Juror
Isl _____ Juror	Isl _____ Juror
Isl _____ Juror	Isl _____ Juror
Isl _____ Juror	Isl _____ Juror
Isl _____ Juror	Isl _____ Juror

[39-13-204]

SECTION 9. Tennessee Code Annotated, Section 39-13-204(h), is amended by deleting the language “If the jury cannot ultimately agree on punishment,” and substituting instead “Except as provided in subdivision (h)(2), if the jury cannot ultimately agree on punishment,”.

[39-13-204]

SECTION 10. Tennessee Code Annotated, Section 39-13-204, is amended by designating the current subsection (h) as subdivision (h)(1) and inserting the following new subdivision (h)(2):

(2) If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(2), but the jury cannot ultimately agree on punishment, then the trial judge shall inquire of the foreperson of the jury whether the jury is divided over imposing a sentence of death. If the jury is divided over imposing a sentence of death, then the judge shall dismiss the jury and the judge shall impose a sentence of imprisonment for life without possibility of parole. The judge shall

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not instruct the jury, nor shall the attorneys be permitted to comment at any time to the jury on the effect of the jury's failure to agree on a punishment.

[39-13-204]

SECTION 11. Tennessee Code Annotated, Section 39-13-204(i), is amended by deleting the language "No death penalty or sentence of imprisonment for life without possibility of parole shall be imposed" and substituting "Except as provided in subdivision (f)(2)(B) and (h)(2), no death penalty or sentence of imprisonment for life without possibility of parole shall be imposed".

[39-13-204]

SECTION 12. Tennessee Code Annotated, Section 39-13-204(k), is amended by deleting the language "the new trial shall include the possible punishments of death, imprisonment for life without possibility of parole or imprisonment for life" and substituting:

the new trial shall include the possible punishments of death, imprisonment for life without possibility of parole, or, unless the defendant is convicted of first degree murder as described in § 39-13-202(c)(2), imprisonment for life

[39-13-206]

SECTION 13. Tennessee Code Annotated, Section 39-13-206, is amended by deleting the language "imprisonment for life without possibility of parole or imprisonment for life" wherever it appears and substituting "imprisonment for life without possibility of parole or, if applicable, imprisonment for life".

[39-13-207]

SECTION 14. Tennessee Code Annotated, Section 39-13-207, is amended by deleting the language "In any first degree murder case" in subsection (a) and substituting "In any first degree murder case as described in § 39-13-202(c)(1)".

[39-13-207]

SECTION 15. Tennessee Code Annotated, Section 39-13-207(a), is amended by designating the current language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) In any first degree murder case as described in § 39-13-202(c)(2) in which the state does not seek the death penalty, if the jury finds the defendant guilty of first degree murder, then a sentencing hearing shall not be conducted as required by § 39-13-204; and the judge shall sentence the defendant to imprisonment for life without the possibility of parole.

[39-13-207]

SECTION 16. Tennessee Code Annotated, Section 39-13-207(b), is amended by deleting the language "If the jury unanimously determines" and

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substituting instead "If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1) and the jury unanimously determines".

[39-13-207]

SECTION 17. Tennessee Code Annotated, Section 39-13-207(c), is amended by deleting the language "If the jury unanimously determines" and substituting the language "Except as provided in § 39-13-204(f)(2)(B), if the jury unanimously determines".

[39-13-207]

SECTION 18. Tennessee Code Annotated, Section 39-13-207(9), is amended by deleting the language "A sentence of imprisonment for life without possibility of parole" and substituting the language "Except as provided in § 39-13-204(f)(2)(B), a sentence of imprisonment for life without possibility of parole".

[39-13-208]

SECTION 19. Tennessee Code Annotated, Section 39-13-208(b), is amended by deleting the third sentence and substituting:

The notice shall specify that the state intends to seek the sentence of imprisonment for life without possibility of parole and, unless the offense charged is a violation as described in § 39-13-202(c)(2), the notice shall specify the aggravating circumstance or circumstances the state intends to rely upon at a sentencing hearing.

[39-13-805]

SECTION 20. Tennessee Code Annotated, Section 39-13-805, is amended by deleting subsection (b) and substituting:

(b)

(1) An act of terrorism is a Class A felony.

(2) If the act of terrorism results in the loss of human life, the defendant shall be prosecuted and sentenced for first degree murder, under § 39-13-202, rather than under this section.

[39-13-803]

SECTION 21. Tennessee Code Annotated, Section 39-13-803(1), is amended by adding the following as a new subdivision:

(D) Serve as a premeditated, politically motivated act of violence, or violence in pursuit of religious, ideological, or social objectives, perpetrated against first responders, including law enforcement officers, correctional officers, department of correction employees, probation or parole officers, paramedics, firefighters, or other emergency medical rescue workers acting in their official capacity, which results in loss of life, in which case it must be prosecuted and sentenced under § 39-13-202;

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[Effective date 7/1/2021]

SECTION 22. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 529**HOUSE BILL NO. 542****By Representatives Powers, Calfee, Hazlewood**

Substituted for: Senate Bill No. 9

By Senators Yager, Bell, White, Haile, Yarbrow, Campbell, Gilmore

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 9, relative to middle college scholarships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-909]

SECTION 1. Tennessee Code Annotated, Section 49-4-909(d), is amended by deleting the language “one thousand dollars (\$1,000)” and substituting instead the language “one thousand two hundred fifty dollars (\$1,250)”.

[Effective date 5/25/2021]

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students seeking middle college scholarships for the 2021-2022 academic year and each academic year thereafter.

PUBLIC CHAPTER. NO. 530**HOUSE BILL NO. 556**

**By Representatives Curtis Johnson, Gary Hicks, Hazlewood,
Williams, Miller, Weaver**

Substituted for: Senate Bill No. 1276

By Senator Reeves

AN ACT to amend Tennessee Code Annotated, Title 71, relative to the nursing home assessment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[71-5-1002]

SECTION 1. Tennessee Code Annotated, Section 71-5-1002(h)(1), is amended by deleting "FY 2020-2021" and substituting "FY 2021-2022".

[71-5-1003]

SECTION 2. Tennessee Code Annotated, Section 71-5-1003(c), is amended by deleting:

The total aggregated amount of assessments for all nursing facilities from July 1, 2020, through June 30, 2021, shall equal four and three-quarters percent (4.75%) of the net patient service revenue. The total aggregated amount of assessment for all nursing facilities, and the annual assessment determined for each nursing facility, shall be established on July 1 of each year. Once established, neither amount shall vary during each fiscal year. Each nursing facility shall have an annual assessment amount that shall be determined as follows:

and substituting:

The total aggregated amount of assessments for all nursing facilities from July 1, 2021, through June 30, 2022, is equal to four and three-quarters percent (4.75%) of the net patient service revenue. The total aggregated amount of assessment for all nursing facilities, and the annual assessment determined for each nursing facility, must be established on July 1 of each year. The bureau may allow for one (1) mid-year adjustment to be established prior to January 1. Once established, neither amount must vary during the fiscal year. Each nursing facility has an annual assessment amount that is determined as follows:

[71-5-1003]

SECTION 3. Tennessee Code Annotated, Section 71-5-1003(C)(1), is amended by deleting "July 1, 2020" and substituting "July 1, 2021".

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[71-5-1003]

SECTION 4. Tennessee Code Annotated, Section 71-5-1003(c)(2), is amended by deleting "July 1, 2020" and substituting "July 1, 2021".

[71-5-1003]

SECTION 5. Tennessee Code Annotated, Section 71-5-1003(c)(3), is amended by deleting "July 1, 2020" and substituting "July 1, 2021".

[71-5-1003]

SECTION 6. Tennessee Code Annotated, Section 71-5-1003(c)(4), is amended by deleting "after July 1, 2020, shall pay in FY 2020-2021" and substituting "after July 1, 2021, shall pay in FY 2021-2022".

[71-5-1003]

SECTION 7. Tennessee Code Annotated, Section 71-5-1003(c)(5), is amended by deleting "from July 1, 2020, through June 30, 2021" and substituting "from July 1, 2021, through June 30, 2022".

[71-5-1006]

SECTION 8. Tennessee Code Annotated, Section 71-5-1006(a), is amended by deleting the subsection and substituting:

(a) If a part of a quarterly assessment fee imposed by § 71-5-1003 is not paid on or before the due date, then a penalty of five percent (5%) of the unpaid fee balance accrues immediately and is added to the quarterly assessment fee. Thereafter, on the first day of each month during which a part of a quarterly assessment fee remains unpaid, an additional penalty of five percent (5%) of the original quarterly assessment fee balance is imposed. Payment is deemed to have been made upon date of deposit in the United States mail.

[71-5-1010]

SECTION 9. Tennessee Code Annotated, Section 71-5-1010(a), is amended by deleting "June 30, 2021" and substituting "June 30, 2022".

[Effective date 7/1/2021]

SECTION 10. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 531**HOUSE BILL NO. 568****By Representatives Ragan, Griffey, Smith, Helton, Howell**

Substituted for: Senate Bill No. 1081

By Senators Roberts, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, relative to administrative procedures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-201]

SECTION 1. Tennessee Code Annotated, Section 4-5-201(c), is amended by deleting the language “proposed rule” and substituting instead the language “rule to be proposed”.

[4-5-202]

SECTION 2. Tennessee Code Annotated, Section 4-5-202(a), is amended by deleting the subsection and substituting instead the following:

(a) An agency shall precede all its rulemaking with notice and a public hearing unless:

(1) The rule is adopted as an emergency rule; or

(2)

(A) The rule is promulgated as a proposed rule.

(B) As used in this section, “proposed rule” and “proposed written rule” mean a rule that:

(i) Involves minor, nonsubstantive modifications, including, but not limited to, clerical updates;

(ii) Is approved by the joint government operations committee of the house of representatives and the senate pursuant to subdivision (a)(2)(C)(ii);

(iii) Repeals an existing rule; or

(iv) Eliminates or reduces a fee contained in an existing rule.

(C)

(i) Any rule promulgated as a proposed rule must be posted to the administrative register website within the secretary of state’s website within seven (7) days of receipt, together with a statement that the agency will adopt the proposed rule without a public hearing unless within ninety (90) days after filing of the proposed rule with the secretary of state, a petition for a public hearing on the proposed rule is filed by ten (10) persons who will be affected by the rule, an association of ten (10) or more members, a municipality, or by

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a majority vote of any standing committee of the general assembly. If an agency receives such a petition, the agency shall not proceed with the proposed rulemaking until the agency has given notice and held a hearing as provided in this section. The agency shall forward the petition to the secretary of state. The secretary of state is not required to compile all filings of the preceding month into one (1) document.

(ii) An agency may petition the joint government operations committee of the house of representatives and the senate to authorize a rule to be a proposed rule when the agency has given proper notice and held a public hearing pursuant to this part, but the rule is withdrawn to make nonsubstantive modifications to the rule prior to the review of the rule by the joint government operations committee.

[4-5-203]

SECTION 3. Tennessee Code Annotated, Section 4-5-203(a)(2), is amended by deleting the language “proposed rulemaking” and substituting instead the language “rule being proposed”.

[4-5-203]

SECTION 4. Tennessee Code Annotated, Section 4-5-203(c)(2)(A), is amended by deleting the language “proposed rule” wherever it appears and substituting instead the language “rule being proposed”.

[4-5-203]

SECTION 5. Tennessee Code Annotated, Section 4-5-203(d), is amended by deleting the language “proposed rulemaking” and substituting instead the language “a rule being proposed”.

[4-5-204]

SECTION 6. Tennessee Code Annotated, Section 4-5-204(c)(1), is amended by deleting the language “proposed rule” and substituting instead the language “rule being proposed”.

[4-5-205]

SECTION 7. Tennessee Code Annotated, Section 4-5-205(a), is amended by deleting the language “proposed rules” and substituting instead the language “rules being proposed”.

[4-5-222]

SECTION 8. Tennessee Code Annotated, Section 4-5-222(a)(1)(C), is amended by deleting the language “proposed rule” and substituting instead the language “rule being proposed”.

PUBLIC CHAPTER NO. 531 (cont'd)**[4-5-226]**

SECTION 9. Tennessee Code Annotated, Section 4-5-226(b)(2), is amended by deleting the language “proposed rules” wherever it appears and substituting instead the language “proposed rules or rulemaking hearing rules”.

[4-5-226]

SECTION 10. Tennessee Code Annotated, Section 4-5-226(i)(1)(I), is amended by deleting the language “rule proposed” and substituting instead the language “rule being proposed”.

[4-5-402]

SECTION 11. Tennessee Code Annotated, Section 4-5-402(a), is amended by deleting “of whether a proposed rule or rule” and substituting instead “as to if a rule”.

[4-5-402]

SECTION 12. Tennessee Code Annotated, Section 4-5-402(b), is amended by deleting “of the proposed rule” and substituting instead “the rule being proposed has”.

[4-5-402]

SECTION 13. Tennessee Code Annotated, Section 4-5-402(b)(6), is amended by deleting “proposed rule” and substituting instead “rule being proposed”.

[4-5-403]

SECTION 14. Tennessee Code Annotated, Section 4-5-403, is amended by deleting “proposed rule” wherever it appears and substituting instead “rule being proposed”.

[4-5-403]

SECTION 15. The department of state shall promulgate rules, when necessary, to effectuate the purposes of this act.

[Effective date 7/1/2021]

SECTION 16. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 532**HOUSE BILL NO. 570**

**By Representatives Ragan, Moon, Wright, Griffey, Terry, Smith,
Howell, Moody**

Substituted for: Senate Bill No. 1086

By Senator Roberts

AN ACT to amend Tennessee Code Annotated, Section 4-5-215, relative to the stay of the effective date of a rule.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-5-215]

SECTION 1. Tennessee Code Annotated, Section 4-5-215(b), is amended by deleting the subsection and substituting instead the following:

Prior to the effective date of a rule, the house of representatives or the senate government operations committee may stay the running of the ninety-day period required by § 4-5-207 for a period of time not to exceed ninety (90) days. If the government operations committee of the house of representatives and senate acting jointly determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the office of the secretary of state. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay. Prior to the expiration date of the stay, such stay may be withdrawn by the respective committee. Withdrawal or expiration of the stay reactivates the running of the balance of the ninety-day period that remained upon the date the stay was filed.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 533**HOUSE BILL NO. 656****By Representatives Moon, Camper**

Substituted for: Senate Bill No. 538

By Senators Stevens, Roberts

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 56, Part 4, relative to the Municipal Finance Officer Certification and Education Act of 2007.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[6-56-404]

SECTION 1. Tennessee Code Annotated, Section 6-56-404(a), is amended by deleting the subsection and substituting the following:

(a) To maintain certification, a certified municipal finance officer (CMFO) must earn at least sixteen (16) hours of continuing professional education (CPE) of financial education each calendar year after receiving the designation. CPE hours in excess of sixteen (16) hours are not carried over to the next calendar year. CPE hours must be filed with and maintained by the comptroller of the treasury's office, which must keep individual records on CMFOs and CMFO candidates. The comptroller may allow exceptions to the continuing education requirement for good cause shown.

[6-56-406]

SECTION 2. Tennessee Code Annotated, Section 6-56-406, is amended by deleting the section and substituting the following:

(a) If it becomes necessary for a municipality to hire an individual in a position in which the CMFO designation is required by § 6-56-402, then the individual hired shall either be exempt as provided in § 6-56-405 or become certified within two (2) years of the hiring date.

(b) If the CMFO or exempt municipal finance officer leaves employment with the municipality, then the municipality has two (2) years from the date of the departing municipal finance officer's last day of employment to comply with § 6-56-402.

(c) For municipalities that have been subject to § 6-56-402(b), and circumstances change that would make them subject to § 6-56-402(a), the municipality is required to comply with § 6-56-402(a) within two (2) years from the earlier of:

(1) The submission date of the financial report used to determine that the municipality is subject to § 6-56-402(a); or

(2) Six (6) months following the fiscal year end of the financial report used to make the determination.

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(d) Notwithstanding this section, a municipality may contract with a certified public accountant to perform the duties of a CMFO. The contracted CMFO shall devote a minimum of sixteen (16) hours per month to financial oversight on behalf of the municipality.

[Effective date 5/25/2021]

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 534**HOUSE BILL NO. 697****By Representative Russell and Mr. Speaker Sexton**

Substituted for: Senate Bill No. 1606

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Section 29-20-102, relative to governmental tort liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[29-20-102]

SECTION 1. Tennessee Code Annotated, Section 29-20-102(3), is amended by adding the following as a new subdivision:

(D) "Governmental entity" also means a nonprofit property owners association that:

(i) Has received a determination of exemption from the internal revenue service under the federal Internal Revenue Code § 501 (c)(4) (26 U.S.C. § 501 (c)(4));

(ii) Maintains more than one hundred (100) miles of roadway;

(iii) Owns and operates a water or sewer distribution service;

(iv) Appropriates funds to support a nonprofit volunteer fire department or a police department;

(v) Manages trash pick-up services;

(vi) Funds, operates, and maintains at least one (1) park, recreation facility, walking trail, and dog park; and

(vii) Is a census designated place according to the 2010 federal census.

[Effective date 5/25/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 535**HOUSE BILL NO. 744**

**By Representatives Curcio, Lamberth, Griffey, Hazlewood,
Hardaway, Sherrell, Doggett, Helton, Moody, Powers, Smith, Beck,
Love**

Substituted for: Senate Bill No. 513

By Senators Haile, Rose, Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 8; Title 29, Chapter 13 and Title 40, relative to victim services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-7-108]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following new section:

(a) In accordance with § 40-38-102, whenever possible, victims of crime must have separate and secure waiting areas during all critical stages of the judicial process, and to further the availability of such separate and secure waiting areas, the district attorneys general conference shall assist in assessing whether such space exists for victims to meet with attorneys, law enforcement, counselors, and others, and to wait while attending judicial proceedings in judicial facilities throughout the state.

(b) By March 1, 2022, the district attorneys general conference shall submit a report to the chairs of the judiciary committee of the senate and the criminal justice committee of the house of representatives as to whether separate and secure waiting areas exist within each of the thirty-one (31) judicial districts along with recommendations to achieve the requirements of § 40-38-102.

(c) The district attorneys general conference additionally shall determine whether grant or other funding is available to create separate and secure waiting areas or to improve such existing spaces and shall assist judicial districts in achieving the creation or improvement of such separate and secure waiting areas.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 536**HOUSE BILL NO. 752**

**By Representatives White, Lamberth, Powers, Whitson, Hardaway,
Camper, Littleton, Smith, Lamar, Miller**

Substituted for: Senate Bill No. 482

By Senators Haile, Yager, Hensley, Powers, Robinson, Rose, Stevens,
Watson, Pody

AN ACT to amend Tennessee Code Annotated, Title 49, relative to dual enrollment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-930]

SECTION 1. Tennessee Code Annotated, Section 49-4-930(9)(2), is amended by deleting the second and third sentences of the subdivision and substituting:

For the first four (4) courses taken under a dual enrollment grant pursuant to this section, the award is the cost of in-state tuition and mandatory fees established annually for community colleges or Tennessee colleges of applied technology in the state university and community college system if the courses are taken at a community college or a Tennessee college of applied technology. For the first four (4) courses taken under a dual enrollment grant at an eligible public four-year postsecondary institution or an eligible independent postsecondary institution, the maximum award must not exceed the cost per credit or clock hour equivalent of courses taken at community colleges or Tennessee colleges of applied technology in the state university and community college system. For the fifth through tenth courses taken under a dual enrollment grant pursuant to this section, TSAC's board of directors shall determine the award per credit hour or clock hour equivalent. TSAC's board of directors shall not award an amount for a credit hour or clock hour equivalent taken under a dual enrollment grant that exceeds the cost per credit hour or clock hour equivalent of courses taken at community colleges or Tennessee colleges of applied technology in the state university and community college system.

[Effective date 1/1/2022]

SECTION 2. This act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 537**HOUSE BILL NO. 767**

**By Representatives Lamberth, Gant, Hawk, Freeman, Casada, White,
Smith**

Substituted for: Senate Bill No. 726

By Senators Johnson, Bailey, Stevens

AN ACT to amend Tennessee Code Annotated, Section 55-18-105; Title 56 and
Section 61-2-105, relative to insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[56-2-208]

SECTION 1. This act shall be known and may be cited as the “Insurance
Modernization Act.”

[56-2-208]

SECTION 2. Tennessee Code Annotated, Section 56-2-208(b)(1)(A), is
amended by deleting the language “subdivisions (b)(2)-(7)” and substituting
instead the language “subdivisions (b)(2)-(8)”.

[56-2-208]

SECTION 3. Tennessee Code Annotated, Section 56-2-208(b)(1)(B), is
amended by deleting the language “subdivision (b)(8)” and substituting instead
the language “subdivision (b)(9)”.

[56-2-208]

SECTION 4. Tennessee Code Annotated, Section 56-2-208(b)(8)(B), is
amended by deleting the language “subdivision (b)(8) shall not” and substituting
instead the language “subdivision (b)(9) does not”.

[56-2-208]

SECTION 5. Tennessee Code Annotated, Section 56-2-208(b)(9)(D), is
amended by deleting the language “subdivision (b)(9)” and substituting instead
the language “subdivision (b)(10)”.

[56-2-208]

SECTION 6. Tennessee Code Annotated, Section 56-2-208(b), is amended
by adding the following as a new subdivision (8) and renumbering the existing
subdivisions accordingly:

(8)

(A) For purposes of this subdivision (b)(8):

(i) “Covered agreement” means an agreement:

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(a) Entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (31 U.S.C. §§ 313 and 314);

(b) That is currently in effect or in a period of provisional application; and

(c) That addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state, or for allowing the ceding insurer to recognize credit for reinsurance; and

(ii) "Reciprocal jurisdiction" means a jurisdiction that satisfies one (1) of the following criteria:

(a) A non-U.S. jurisdiction that is subject to an in-force covered agreement to which the United States is a party or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;

(b) A U.S. jurisdiction that meets the requirements for accreditation under the National Association of Insurance Commissioners' financial standards and accreditation program; or

(c) A qualified jurisdiction, as determined by the commissioner pursuant to subdivision (b)(6)(D), that does not meet the criteria of subdivisions (b)(8)(B)(i)(a)(1) or (2), and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner by rule.

(B)

(i) Credit is allowed when the reinsurance is ceded to an assuming insurer that satisfies each of the following conditions:

(a) The assuming insurer:

(1) Has its head office in, or is domiciled in, a reciprocal jurisdiction; and

(2) Is licensed in a reciprocal jurisdiction;

(b) The assuming insurer has and maintains, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of the assuming insurer's domiciliary jurisdiction, in an amount set by the commissioner by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, then the assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts set by the commissioner by rule;

(c) The assuming insurer has and maintains, on an ongoing basis, the minimum solvency or capital ratio, as applicable, set by the commissioner by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, then the assuming insurer must have and maintain, on an ongoing basis, the minimum solvency or capital ratio in the reciprocal

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jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is licensed;

(d) The assuming insurer agrees to provide adequate assurance to the commissioner, in a form specified by the commissioner by rule, that:

(1) The assuming insurer will provide prompt written notice and explanation to the commissioner if the assuming insurer falls below the minimum requirements of subdivisions (b)(8)(B)(i)(b) and (c), or if any regulatory action is taken against the assuming insurer for noncompliance with applicable law;

(2) The assuming insurer consents in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process. The commissioner may require an assuming insurer to include consent to service of process in each reinsurance agreement. This subdivision (b)(8)(B)(i)(d)(2) does not limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent those agreements are unenforceable under applicable insolvency or delinquency laws;

(3) The assuming insurer consents in writing to pay, wherever enforcement is sought, any final judgment obtained by a ceding insurer or its legal successor that is enforceable in the jurisdiction where the judgment was obtained;

(4) Each reinsurance agreement includes a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(5) The assuming insurer confirms that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and, if the assuming insurer enters into a solvent scheme of arrangement, agrees to notify the ceding insurer and the commissioner and to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer, which must be in a form consistent with subdivision (b)(6), § 56-2-209, and any rules promulgated by the commissioner;

(e) The assuming insurer or its legal successor provides to the commissioner, upon request, on behalf of itself and any legal predecessors, certain documentation specified by the commissioner by rule;

(f) The assuming insurer maintains a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set by rule;

PUBLIC CHAPTER NO. 537 (cont'd)

(g) The assuming insurer's supervisory authority confirms to the commissioner on an annual basis that, as of the preceding December 31 or the annual date on which that information is statutorily reported to the reciprocal jurisdiction, the assuming insurer is in compliance with the requirements set forth in subdivisions (b)(8)(B)(i)(b) and (c); and

(ii) This subdivision (b)(8)(B) does not preclude the assuming insurer from providing the commissioner with information on a voluntary basis.

(C)

(i) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(ii) The commissioner shall include other jurisdictions published through the National Association of Insurance Commissioners' committee process on the list of reciprocal jurisdictions. The commissioner may also approve a jurisdiction that does not appear on the National Association of Insurance Commissioners' list of reciprocal jurisdictions in accordance with criteria specified by the commissioner through the promulgation of rules.

(iii) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions, in accordance with a process specified by the commissioner by rule, if the commissioner determines that the jurisdiction no longer meets the criteria for a reciprocal jurisdiction. Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer that has its home office or domicile in that jurisdiction is allowed, if otherwise allowed pursuant to this section, § 56-2-207, and § 56-2-209.

(D) The commissioner shall timely create and publish a list of assuming insurers that satisfy the conditions in this subdivision (b) (8) and to which cessions are granted credit in accordance with this subdivision (b)(8). The commissioner may add an assuming insurer to this list if a jurisdiction accredited by the National Association of Insurance Commissioners adds the assuming insurer to a list of assuming insurers that satisfy the conditions in this subdivision (b) (8) or if, upon initial eligibility, the assuming insurer submits to the commissioner the information required under subdivision (b)(8)(B)(iv) and complies with any additional requirements that the commissioner imposes by rule, except to the extent that the rules conflict with an applicable covered agreement.

(E)

(i) If the commissioner determines that an assuming insurer no longer meets one (1) or more of the requirements under this subdivision (b)(8), then the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subdivision (b)(8) in accordance with procedures established by rule.

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(ii) If the commissioner suspends an assuming insurer's eligibility, then no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit, except to the extent that the assuming insurer's obligations under the contract are secured in accordance with § 56-2-209.

(iii) If the commissioner revokes an assuming insurer's eligibility, then no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and in accordance with § 56-2-209.

(F) If subject to a legal process of rehabilitation, liquidation, or conservation, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(G) This subdivision (b)(8) does not limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section, § 56-2-207, § 56-2-209, or other applicable law.

(H)

(i) Credit taken under this subdivision (b)(8) applies only to reinsurance agreements entered into, amended, or renewed on or after the effective date of this subdivision (b)(8), and only with respect to losses incurred and reserves reported on or after the later of:

(a) The date on which the assuming insurer meets all eligibility requirements pursuant to subdivision (b)(8)(B); or

(b) The effective date of the new reinsurance agreement, amendment, or renewal.

(ii) This subdivision (b)(8)(H) does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subdivision (b)(8), if the reinsurance qualifies for credit under this section, § 56-2-207, and § 56-2-209.

(iii) This subdivision (b)(8) does not authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement, except as permitted by the terms of the agreement.

(iv) This subdivision (b)(8) does not limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement.

[56-5-106]

SECTION 7. Tennessee Code Annotated, Section 56-5-106(d), is amended by deleting the language “, and at least annually thereafter on March 1”.

[T. 56, ch. 54; 56-54-101; 56-54-102; 56-54-103; 56-54-104; 56-54-105; 56-54-106; 56-54-107; 56-54-108; 56-54-109; 56-54-110; 56-54-111]

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 54, is amended by deleting the chapter.

[56-13-102]

SECTION 9. Tennessee Code Annotated, Section 56-13-102, is amended by adding the following as a new subdivision:

() “Parametric insurance” means a type of insurance that does not indemnify the pure loss, but ex ante agrees to make a payment upon the occurrence of a triggering event;

[56-13-103]

SECTION 10. Tennessee Code Annotated, Section 56-13-103(a)(8), is amended by deleting the language “; and” and substituting instead a semi-colon.

[56-13-103]

SECTION 11. Tennessee Code Annotated, Section 56-13-103(a)(9), is amended by deleting the period and substituting instead the language “; and”.

[56-13-103]

SECTION 12. Tennessee Code Annotated, Section 56-13-103(a), is amended by adding the following as a new subdivision (10):

() Any captive insurance company, except for a risk retention group, may provide parametric insurance policies, which are considered contracts of insurance for purposes of this title.

[56-13-105]

SECTION 13. Tennessee Code Annotated, Section 56-13-105(a)(5), is amended by deleting the language “two hundred fifty thousand dollars (\$250,000)” and substituting the language “one hundred thousand dollars (\$100,000)”.

[56-13-108]

SECTION 14. Tennessee Code Annotated, Section 56-13-108(c), is amended by deleting the language “A pure captive insurance company or an industrial insured captive insurance company” and substituting instead the language “A captive insurance company, except for a risk retention group,”.

[56-13-108]

SECTION 15. Tennessee Code Annotated, Section 56-13-108(c)(1), is amended by deleting the language “one hundred and eighty (180)” and substituting instead the language “seventy-five (75)”.

SECTION 16. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 5/25/2021]

SECTION 17. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. Sections 2-6 and 9-15 of this act take effect July 1, 2021, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 538**HOUSE BILL NO. 779****By Representatives Lamberth, Gant, White, Todd**

Substituted for: Senate Bill No. 773

By Senators Johnson, Bailey

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 33; Title 40; Title 50; Title 58; Title 63; Title 68 and Title 71, relative to COVID-19 response.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[50-7-302]

SECTION 1. Tennessee Code Annotated, Section 50-7-302(a)(5), is amended by adding the following as a new subdivision:

Notwithstanding this subdivision (a)(5), the commissioner, in the commissioner's sole discretion, may suspend the one-week waiting period imposed by this subdivision (a)(5) to the extent necessary to allow the commissioner to effectively administer the state unemployment insurance program in response to the Covid-19 pandemic and to comply with, and maximize the benefits to this state from, federal legislation related to emergency unemployment benefits, including, but not limited to, the federal Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. § 9001 et seq.), and any extension or modification of that act.

[50-7-403]

SECTION 2. Tennessee Code Annotated, Section 50-7-403(d), is amended by adding the following as a new subdivision:

Notwithstanding subdivision (d)(1)(A), the commissioner, in the commissioner's sole discretion, may authorize, in whole or in part, a non-charge to the account of a contributory employer that is in the claimant's base period for any unemployment benefits paid to a claimant to the extent necessary to allow the commissioner to effectively administer the state unemployment insurance program in response to the Covid-19 pandemic and to comply with, and maximize the benefits to this state from, federal legislation related to emergency unemployment benefits, including, but not limited to, the federal Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. § 9001 et seq.), and any extension or modification of that act.

[33-6-406s]

SECTION 3. Tennessee Code Annotated, Section 33-6-406(a), is amended by adding the following sentence before the word "Failure":

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If the original of the certificate is unavailable, then an identical hard copy or electronic copy submitted by reliable electronic means must be accepted for purposes of this section.

[Effective date 5/25/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it. Sections 1 and 2 of this act are repealed July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 539**HOUSE BILL NO. 888**

By Representatives Curcio, Lamberth, Doggett, Dixie, Sherrell, Parkinson, Hardaway, Freeman, Chism, Towns, Lamar, Smith, Thompson, Mannis, Camper, Clemmons, Weaver, Powell, Jernigan

Substituted for: Senate Bill No. 675

By Senators Haile, Akbari, Campbell, Gilmore, Yarbrow

AN ACT to amend Tennessee Code Annotated, Section 8-21-401 and Title 40, relative to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-21-401]

SECTION 1. Tennessee Code Annotated, Section 8-21-401, is amended by deleting subdivision (d)(2), substituting the following, and redesignating the subsequent subdivisions accordingly:

(2) The clerk shall charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation or any post-judgment actions other than expunctions.

(3) The clerk may charge a fee of up to one hundred dollars (\$100) for expunctions.

[8-21-401]

SECTION 2. Tennessee Code Annotated, Section 8-21-401, is amended by deleting subdivision (g)(5) and substituting:

(5) The clerk may charge a fee of up to one hundred dollars (\$100) for expunctions.

[40-6-203]

SECTION 3. Tennessee Code Annotated, Section 40-6-203(b)(2), is amended by deleting the language "in conformance with Rule 3" and substituting the language "in conformance with § 40-6-204 and Rule 3".

[40-6-204]

SECTION 4. Tennessee Code Annotated, Section 40-6-204, is amended by designating the current language as subsection (a) and adding the following as a new subsection:

(b) The affidavit of complaint must contain instructions informing the defendant that if the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the

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action, to the removal and destruction of all public records relating to the case without cost to the defendant.

[40-32-101]

SECTION 5. Tennessee Code Annotated, Section 40-32-101(a)(1)(B), is amended by deleting the language “the appropriate clerk’s fee pursuant to § 8-21-401” and substituting the language “the appropriate clerk’s fee pursuant to § 8-21-401, if applicable.”.

[40-32-101]

SECTION 6. Tennessee Code Annotated, Section 40-32-101(g)(1), is amended by deleting the language “For purpose of this subsection (g)” and substituting the language “Except as provided in SECTION 14, as used in this subsection (g)”.

[40-32-101]

SECTION 7. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by deleting the language “and sentenced to imprisonment for a term of three (3) years or less for an offense”.

[40-32-101]

SECTION 8. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by adding the following as new subdivisions:

- () Section 39-14-152 – Use of a counterfeit mark or logo;
- () Section 39-14-903 – Money laundering offenses;

[40-32-101]

SECTION 9. Tennessee Code Annotated, Section 40-32-101(g)(1)(B)(xi), is amended by deleting the subdivision and substituting:

- (xi) Section 39-13-514(b)(3)(A) - Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability;

[40-32-101]

SECTION 10. Tennessee Code Annotated, Section 40-32-101(g)(1)(D), is amended by deleting the subdivision, substituting the following, and redesignating the subsequent subdivision appropriately:

(D) A person who was convicted of one (1) of the following Class D felonies committed on or after November 1, 1989:

- (i) Section 39-14-103 – Theft of property;
- (ii) Section 39-14-104 – Theft of services;
- (iii) Section 39-14-112 – Extortion;
- (iv) Section 39-14-114 – Forgery;
- (v) Section 39-14-115 – Criminal simulation;

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- (vi) Section 39-14-118 – Illegal possession or fraudulent use of credit card or debit card;
- (vii) Section 39-14-121 – Worthless checks;
- (viii) Section 39-14-130 – Destruction of valuable papers;
- (ix) Section 39-14-133 – False or fraudulent insurance claims;
- (x) Section 39-14-137 – Fraudulent qualifying for set-aside programs;
- (xi) Section 39-14-138 – Theft of trade secrets;
- (xii) Section 39-14-139 – Sale of recorded live performances without consent;
- (xiii) Section 39-14-147 – Fraudulent transfer of motor vehicle valued at twenty thousand dollars (\$20,000) or more;
- (xiv) Section 39-14-149 – Communication theft;
- (xv) Section 39-14-150(b) – Identity theft;
- (xvi) Section 39-14-152 – Use of a counterfeit mark or logo;
- (xvii) Section 39-14-154 – Home improvement fraud;
- (xviii) Section 39-14-402 – Burglary - other than habitation or automobile;
- (xix) Section 39-14-408 – Vandalism;
- (xx) Section 39-14-602(a)– (c) – Violation of Tennessee Personal and Commercial Computer Act;
- (xxi) Section 39-14-603 – Unsolicited bulk electronic mail;
- (xxii) Section 39-16-502(a)(1) or (a)(2) – False report to law enforcement not involving bomb, fire, or emergency;
- (xxiii) Section 39-17-417(d) – Manufacture, deliver, sale, or possession of Schedule III drug (fine not greater than fifty thousand dollars (\$50,000));
- (xxiv) Section 39-17-417(e) – Manufacture, deliver, sale, or possession of Schedule IV drug (fine not greater than fifty thousand dollars (\$50,000));
- (xxv) Section 39-17-417(g)(2) – Manufacture, deliver, sale, or possession of certain Schedule VI drugs (fine not greater than fifty thousand dollars (\$50,000));
- (xxvi) Section 39-17-430 – Prescribing or selling steroid for unlawful purpose;
- (xxvii) Section 39-17-433 – Promoting manufacture of methamphetamine;

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(xxviii) Section 39-17-438 – Produce, manufacture, delivery, sale, or possession of hallucinogenic plant *salvia divinorum* or the synthetic cannabinoids (first violation);

(xxix) Section 39-17-454(c) – Manufacture, deliver, dispense, sell, or possess with intent to manufacture, deliver, dispense, or sell a controlled substance analogue (first violation);

(xxx) Section 39-17-607(a) – Making counterfeit or altering lottery ticket (fine not greater than fifty thousand dollars (\$50,000));

(xxxi) Section 39-17-608 – Making material false statement on lottery application or record;

(xxxii) Section 39-17-654(c) – Unauthorized person conducting charitable gaming event; and

(xxxiii) Section 53-11-402(a)(3) – Drug fraud;

(E) A person who was convicted of one (1) of the following Class C felonies committed on or after November 1, 1989:

(i) Section 39-14-103 – Theft of property;

(ii) Section 39-14-104 – Theft of services;

(iii) Section 39-14-114 – Forgery;

(iv) Section 39-14-115 – Criminal simulation;

(v) Section 39-14-118 – Illegal possession or fraudulent use of a credit card or debit card;

(vi) Section 39-14-121 – Worthless checks;

(vii) Section 39-14-130 – Destruction of valuable papers;

(viii) Section 39-14-133 – Fraudulent or false insurance claims;

(ix) Section 39-14-137 – Fraudulent qualifying for set-aside programs;

(x) Section 39-14-138 – Theft of trade secrets;

(xi) Section 39-14-139 – Sale of recorded live performances without consent;

(xii) Section 39-14-149 – Communication theft;

(xiii) Section 39-14-150(c) – Identity theft trafficking;

(xiv) Section 39-14-152 – Use of a counterfeit mark or logo;

(xv) Section 39-14-154 – Home improvement fraud;

(xvi) Section 39-14-408 – Vandalism;

(xvii) Section 39-14-602(b)(5) – Violation of Tennessee Personal and Commercial Computer Act;

(xviii) Section 39-14-603 – Unsolicited bulk electronic mail;

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(xix) Section 39-14-804 – Theft of animal from or damage to an animal facility;

(xx) Section 39-17-417(c) – Manufacture, deliver, sale, or possession of Schedule II drug, including cocaine or methamphetamine in an amount less than point five (0.5) grams (fine not greater than one hundred thousand dollars (\$100,000));

(xxi) Section 39-17-417(e) – Manufacture, deliver, sale, or possession of flunitrazepam (fine not greater than one hundred thousand dollars (\$100,000));

(xxii) Section 39-17-417(g)(3) – Manufacture, deliver, sale, or possession of Schedule VI controlled substance (fine not greater than one hundred thousand dollars (\$100,000));

(xxiii) Section 39-17-454(c) – Manufacture, delivery, dispense, or sale or possession with the intent to manufacture, deliver, dispense, or sale of a controlled substance analogue (second or subsequent violation); and

(xxiv) Section 39-17-607(b) – Influencing or attempting to influence lottery; or

[40-32-101]

SECTION 11. Tennessee Code Annotated, Section 40-32-101(g)(2)(B), is amended by deleting the subdivision and substituting:

(B) At the time of the filing of the petition for expunction at least:

(i) Five (5) years have elapsed since the completion of the sentence imposed for a misdemeanor or Class E felony; or

(ii) Ten (10) years have elapsed since the completion of the sentence imposed for a Class C or D felony;

[40-32-101]

SECTION 12. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (g)(4) and substituting:

(4)

(A) Both the petitioner and the district attorney general may file evidence with the court relating to the petition.

(B) The district attorney general may file evidence relating to the petition under seal for review by the court. Evidence filed under seal by the district attorney general is confidential and is not a public record.

[40-32-101]

SECTION 13. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (g)(5) and substituting:

(5)

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(A) The court shall enter an order granting or denying the petition no sooner than sixty-one (61) days after service of the petition upon the district attorney general. Prior to entering an order on the petition, the court shall review and consider all evidence submitted by the petitioner and the district attorney general, including any evidence submitted by the district attorney general under seal pursuant to subdivision (g)(4)(B).

(B) In making a decision on the petition, the court shall weigh the interest of the petitioner against the best interests of justice and public safety; provided, that if the petitioner is an eligible petitioner pursuant to subdivision (g)(1)(A), (g)(1)(B), (g)(1)(C), (g)(1)(D), or (g)(1)(E) and meets the requirements of subdivision (g)(2), then there is a rebuttable presumption that the petition should be granted.

[40-32-101]

SECTION 14. Tennessee Code Annotated, Section 40-32-101(g), is amended by adding the following as a new subdivision:

() A person is not an eligible petitioner for purposes of this subsection (g) if the person was convicted of an offense involving the manufacture, delivery, sale, or possession of a controlled substance and at the time of the offense the person held:

(A) A commercial driver license, as defined in § 55-50-102, and the offense was committed within a motor vehicle, as defined in § 55-50-102; or

(B) Any driver license and the offense was committed within a commercial motor vehicle, as defined in § 55-50-102.

[40-32-101]

SECTION 15. Tennessee Code Annotated, Section 40-32-101(i), is amended by deleting the language "the appropriate court clerk's fee pursuant to § 8-21-401" and substituting the language "the appropriate court clerk's fee pursuant to § 8-21-401, if applicable,".

[40-32-101]

SECTION 16. Tennessee Code Annotated, Section 40-32-101(k)(1)(C), is amended by deleting the subdivision and substituting:

(C) At the time of the filing of the petition for expunction at least:

(i) Five (5) years have elapsed since the completion of the sentence imposed for the most recent offense, if the offenses were both misdemeanors or a Class E felony and a misdemeanor; and

(ii) Ten (10) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class C or D felony; and

[Effective date 7/1/2021]

SECTION 17. This act takes effect July 1, 2021, the public welfare requiring it.

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HOUSE BILL NO. 1171

By Representatives Terry, Grills, Smith, Jerry Sexton, Rudder, Farmer, Howell, Faison, Doggett, Gant, Lamberth, Moody, Todd, Ragan, Griffey, Hall, Weaver, Reedy, Cepicky, Warner, Crawford, Casada, Williams, Lafferty, Mr. Speaker Sexton, Darby, Powers, Littleton, Zachary, Boyd, Hulsey, Alexander, Curtis Johnson, Rudd, Eldridge, Sparks, Holsclaw, Curcio, Russell, Bricken, Cochran, Hawk, Vaughan, Lynn, Helton, Gary Hicks, Marsh, Garrett, Halford, Tim Hicks, Carr, Travis, Kumar, Calfee, Baum, Wright, Sherrell, Ramsey, Haston, Ogles, Moon, White, Mannis

Substituted for: Senate Bill No. 1142

By Senators White, Rose, Briggs, Pody

AN ACT to amend Tennessee Code Annotated, Title 29; Title 38; Title 39 and Title 40, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1326]

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) This section and Section 2 are known and may be cited as the "Firearms Information Privacy Protection Act."

(b) If a person intentionally discloses information that the person knows or reasonably should know was unlawfully obtained and that identifies another person as the purchaser or owner of a firearm, firearm ammunition, or firearm accessory for purposes of compiling or facilitating the compilation of a federal firearms registry or database or the confiscation of firearms, then the person disclosing the information is subject to a private right of action by the person whose information was disclosed.

(c) A court may award the person whose information was disclosed and prevails in an action under this section:

(1) A minimum of seventy-five thousand dollars (\$75,000) in statutory damages per intentional violation of subsection (b);

(2) Actual damages;

(3) Punitive damages;

(4) Other forms of equitable relief; and

(5) Reasonable costs and attorney fees.

(d) This section does not apply to information that is provided to a government entity pursuant to § 38-8-116, § 38-8-123, § 39-17-1315, § 39-17-1316, § 39-17-1351, § 39-17-1365, or § 39-17-1366, federal law, or as part of a criminal investigation.

PUBLIC CHAPTER NO. 540 (cont'd)

[39-17-1326]

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) It is an offense for any personnel, including elected and appointed officials, of this state, a local governmental entity, or a political subdivision of this state, when acting in the person's official capacity or disclosing information obtained in the person's official capacity, to intentionally disclose information that identifies another person as the purchaser or owner of a firearm, firearm ammunition, or firearm accessory for the purpose of:

(1) Compiling or facilitating the compilation of a federal firearms registry or database; or

(2) The confiscation of firearms.

(b) This section does not apply to information that is provided to a government entity pursuant to § 38-8-116, § 38-8-123, § 39-17-1315, § 39-17-1316, § 39-17-1351, § 39-17-1365, or § 39-17-1366, or as part of a criminal investigation.

(c) A violation of this section is a Class E felony.

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 541**HOUSE BILL NO. 1183****By Representatives Curcio, Freeman, Miller, Love**

Substituted for: Senate Bill No. 622

By Senators Bell, Kyle, Gilmore

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 41,
relative to criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[40-35-311]

SECTION 1. Tennessee Code Annotated, Section 40-35-311(e), is amended
by adding the following as a new subdivision:

(3) If a person is serving two (2) or more concurrent probationary sentences and the person's probation is revoked on one (1) probationary sentence, then the person must receive credit for the time served as a result of that probation revocation against any other concurrent probationary sentence that is subsequently revoked in any jurisdiction in this state.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 542

HOUSE BILL NO. 1268

By Representatives Littleton, Hazlewood, Calfee, Todd, Lynn

Substituted for: Senate Bill No. 1145

By Senators White, Rose, Haile, Pody

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, relative to the department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-2-414]

SECTION 1. Tennessee Code Annotated, Section 37-2-414, is amended by adding the following as a new subsection:

The department of children's services shall notify the appropriate court when the department has knowledge that a foster parent from a kinship placement violated a court order by allowing a child to visit the child's parent within ninety-six (96) hours of the department's knowledge of the information.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 543**HOUSE BILL NO. 1286****By Representative Marsh**

Substituted for: Senate Bill No. 1155

By Senators Haile, Bowling

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 57; Title 5, Chapter 9 and Title 43, Chapter 21, relative to the Tennessee State Fair.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-57-105]

SECTION 1. Tennessee Code Annotated, Section 4-57-105, is amended by deleting subdivision (1) and substituting instead:

(1) Advise, facilitate, and coordinate with the Tennessee State Fair Association, a not-for-profit corporation, or Wilson County Promotions, Inc., a not-for-profit corporation, or both, for the purpose of the entities operating, managing, and conducting at least one (1) fair or exposition annually, under the supervision of the commission, with such additional fairs, expositions, or exhibitions as the commission determines are in the general public interest.

[5-9-102]

SECTION 2. Tennessee Code Annotated, Section 5-9-102, is amended by deleting the section and substituting instead:

The county legislative bodies may make appropriations of money to provide for exhibits of their agriculture, horticulture, and mineral products and resources and manufactured products and the erection of buildings and other permanent improvements at the fairs to be held within the respective counties, and for exhibits of their agriculture, horticulture, and mineral products and resources and manufactured products and the erection of buildings at the Tennessee State Fair held annually at the Wilson County fairgrounds, under the management of the Tennessee State Fair Association or Wilson County Promotions, Inc., or both; and to provide ways and means and prescribe rules and regulations governing the expenditure of any moneys so appropriated.

[Effective date 5/25/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 544**HOUSE BILL NO. 1303**

**By Representatives Bricken, Curcio, Gant, Hardaway, Gillespie,
Littleton, Hetton**

Substituted for: Senate Bill No. 1296

By Senator Bowling

AN ACT to amend Tennessee Code Annotated, Title 22, relative to jury service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[22-1-103]

SECTION 1. Tennessee Code Annotated, Section 22-1-103, is amended by adding the following as a new subsection:

() A person who is seventy-five (75) years of age or older is excused from jury service upon a showing that the person is seventy-five (75) years of age or older and that the person is incapable of performing jury service because of a mental or physical condition. The jury coordinator of the county shall excuse the person from jury service upon receiving a written declaration stating the person's name and date of birth, and declaring the mental or physical condition that causes the person to be incapable of performing jury service. The declaration may be completed by the person or the person's personal representative. The jury coordinator of each county shall make available declaration forms for the purpose of this subsection (). This subsection () does not prevent a person seventy-five (75) years of age or older from participating in jury service.

[22-2-306]

SECTION 2. Tennessee Code Annotated, Section 22-2-306, is amended by deleting subdivision (a)(6) and substituting:

(6) Process by which the juror may request to be excused due to age or a hardship pursuant to § 22-1-103, including the juror's obligation to submit documentation or a declaration in support of the juror's request and the availability of declaration forms; and

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it

PUBLIC CHAPTER NO. 545**HOUSE BILL NO. 1338**

**By Representatives Ogles, Doggett, Jerry Sexton, Sherrell,
Hardaway, Moody, Smith, Todd**

Substituted for: Senate Bill No. 970

By Senator Lundberg

AN ACT to amend Tennessee Code Annotated, Title 37; Title 39; Title 40 and Title 49, relative to burglary.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-13-105]

SECTION 1. Tennessee Code Annotated, Section 39-13-105, is amended by deleting the section and substituting:

In addition to the enumerated offenses, crimes against the person shall be any violent offense that results or could have resulted in physical injury to the victim, including, but not limited to, rape, sexual battery, kidnapping, aggravated burglary, and especially aggravated burglary.

[T. 39, ch. 13, part 10; 39-13-1001; 39-13-1002; 39-13-1003; 39-13-1004]

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, is amended by adding the following as a new part:

39-13-1001.

(a) As used in this part, unless the context otherwise requires, the terms “habitation”, “occupied”, and “owner” have the same meaning as defined in § 39-14-401.

(b) Any references to convictions for the offenses of burglary, under § 39-13-1002, aggravated burglary, under § 39-13-1003, or especially aggravated burglary, under § 39-13-1004, shall be deemed to include convictions for the applicable offense as each offense was defined under chapter 14, part 4 of this title prior to July 1, 2021.

39-13-1002.

(a) A person commits burglary who, without the effective consent of the property owner:

(1) Enters a building other than a habitation, or any portion of the building, not open to the public, with intent to commit a felony, theft, or assault;

(2) Remains concealed, with the intent to commit a felony, theft, or assault, in a building;

(3) Enters a building and commits or attempts to commit a felony, theft, or assault; or

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(4) Enters any freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle with intent to commit a felony, theft, or assault or commits or attempts to commit a felony, theft, or assault.

(b) As used in this section, "enter" means:

(1) Intrusion of any part of the body; or

(2) Intrusion of any object in physical contact with the body or any object controlled by remote control, electronic or otherwise.

(c) Burglary under subdivision (a)(1), (2), or (3) is a Class D felony.

(d) Burglary under subdivision (a)(4) is a Class E felony.

39-13-1003.

(a) Aggravated burglary is burglary, as described in § 39-13-1002, of a habitation.

(b) Aggravated burglary is a Class C felony. 39-13-1004.

(a) Especially aggravated burglary is:

(1) Burglary, as described in § 39-13-1002, of a habitation or building other than a habitation; and

(2) Where the victim suffers serious bodily injury.

(b) For the purposes of this section, "victim" means any person lawfully on the premises.

(c) Especially aggravated burglary is a Class B felony.

(d) Acts which constitute an offense under this section may be prosecuted under this section or any other applicable section, but not both.

[39-14-402; 39-14-403; 39-14-404]

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 14, Part 4, is amended by deleting Sections 39-14-402, 39-14-403, and 39-14-404.

[37-1-702]

SECTION 4. Tennessee Code Annotated, Section 37-1-702(c)(1)(B), is amended by deleting the subdivision and substituting:

(B) Burglary, § 39-13-1002;

[40-32-101]

SECTION 5. Tennessee Code Annotated, Section 40-32-101(g)(1)(A)(xxi), is amended by deleting the subdivision and substituting:

(xxi) Section 39-13-1002 - Burglary of an automobile;

[40-35-122]

SECTION 6. Tennessee Code Annotated, Section 40-35-122(c), is amended by deleting subdivisions (17) and (18) and substituting:

PUBLIC CHAPTER NO. 545 (cont'd)

(17) Attempted burglary other than a habitation under §§ 39-12-101 and 39-13-1002(a)(1), (a)(2), or (a)(3);

(18) Burglary of an automobile under § 39-13-1002(a)(4); and

[40-35-123]

SECTION 7. Tennessee Code Annotated, Section 40-35-123(b)(1)(A), is amended by deleting the subdivision and substituting:

(A) Burglary, as defined in § 39-13-1002;

[39-12-301]

SECTION 8. Tennessee Code Annotated, Section 39-12-301(2)(C), is amended by deleting the subdivision and substituting:

(C) Aggravated burglary as defined in § 39-13-1003.

[39-17-1324]

SECTION 9. Tennessee Code Annotated, Section 39-17-1324(i)(1), is amended by deleting subdivisions (G) and (H) and substituting:

(G) Especially aggravated burglary, as defined in § 39-13-1004;

(H) Aggravated burglary, as defined in § 39-13-1003;

[40-35-106]

SECTION 10. Tennessee Code Annotated, Section 40-35-106(b)(4), is amended by deleting the language “aggravated burglary under § 39-14-403” and substituting “aggravated burglary under § 39-13-1003”.

[40-35-107]

SECTION 11. Tennessee Code Annotated, Section 40-35-107(b)(4), is amended by deleting the language “aggravated burglary under § 39-14-403” and substituting “aggravated burglary under § 39-13-1003”.

[40-35-108]

SECTION 12. Tennessee Code Annotated, Section 40-35-108(b)(4), is amended by deleting the language “aggravated burglary under § 39-14-403” and substituting “aggravated burglary under § 39-13-1003”.

[40-35-121]

SECTION 13. Tennessee Code Annotated, Section 40-35-121(a)(3)(B), is amended by deleting subdivisions (xvi) and (xvii) and substituting:

(xvi) Aggravated burglary, as defined in § 39-13-1003;

(xvii) Especially aggravated burglary, as defined in § 39-13-1004;

PUBLIC CHAPTER NO. 545 (cont'd)**[40-35-501]**

SECTION 14. Tennessee Code Annotated, Section 40-35-501(u)(2)(B), is amended by deleting the subdivision and substituting:

(B) Aggravated burglary, pursuant to § 39-13-1003, or especially aggravated burglary, pursuant to § 39-13-1004, if the person has two (2) or more prior convictions for either aggravated burglary, pursuant to § 39-13-1003, especially aggravated burglary, pursuant to § 39-13-1004, or a combination of the two (2) offenses prior to or at the time of committing the instant offense.

[40-11-113]

SECTION 15. Tennessee Code Annotated, Section 40-11-113(b), is amended by deleting the language “39-14-404” and substituting “39-13-1004”.

[40-38-111]

SECTION 16. Tennessee Code Annotated, Section 40-38-111(g)(11), is amended by deleting the subdivision and substituting:

(11) Especially aggravated burglary, as defined in § 39-13-1004;

[49-5-413]

SECTION 17. Tennessee Code Annotated, Section 49-5-413(d)(3)(B)(iv), is amended by deleting the subdivision and substituting:

(iv) §§ 39-13-1001 - 39-13-1004;

[49-5-417]

SECTION 18. Tennessee Code Annotated, Section 49-5-417(a)(1)(D), is amended by deleting the subdivision and substituting:

(D) A burglary offense, as described in §§ 39-13-1001 - 39-13-1004;

[Effective date 7/1/2021]

SECTION 19. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 546**HOUSE BILL NO. 1538**

**By Representatives Weaver, Hall, Sherrell, Smith, Reedy, Todd,
Moody, White**

Substituted for: Senate Bill No. 352

By Senators Bowling, Pody, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 10; Title 38 and Title 71, relative to the prevention of fraud.

WHEREAS, disability fraud can involve malingering, filing multiple applications, concealing work or other activities, and exaggerating or lying about disabilities, costing the State of Tennessee millions of dollars every year; and

WHEREAS, the United States Social Security Administration (SSA) - Office of Inspector General (OIG), Cooperative Disability Investigations (COi) program's primary mission is to obtain evidence that can resolve questions of fraud before benefits are ever paid; and

WHEREAS, SSA and OIG jointly established the COi program in fiscal year 1998, in conjunction with state Disability and Determination Services (DDS) and state or local law enforcement agencies, to effectively pool resources and expertise and prevent fraud in SSA's disability programs; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 4, ch. 45; 4-45-101; 4-45-102; 4-45-103; 4-45-104; 4-45-105; 4-45-106; 4-45-107; 4-45-108]

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following as a new chapter:

4-45-101.

(a)

(1) There is created a Tennessee office of cooperative disability investigation, referred to in this chapter as the "division".

(2) The division:

(A) Is administratively attached to the department of finance and administration and the state of Tennessee office of inspector general, and may employ up to five (5) staff persons;

(B) Is headed by a special agent in charge, who also serves as an agent for investigative purposes;

(C) Is separate and distinct from any other bureau or agency in the state, and works primarily with the United States social security administration - cooperative disability investigation unit; and

PUBLIC CHAPTER NO. 546 (cont'd)

(D) Shall report quarterly to the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, the chair of the government operations committee of the senate, and the chair of the government operations committee of the house of representatives on the number of disability cases investigated, the results of those investigations, and other matters the general assembly may deem relevant to the function of the division.

(b) The division is a temporary agency of state law enforcement officers, known as special agents, who shall work solely with the United States social security administration - cooperative disability investigation unit, for the purpose of saving taxpayer funds by investigating disability claims under the United States social security administration's Title II and Title XVI programs that state disability examiners believe are suspicious.

(c) The division shall enter into a memorandum of understanding with the United States social security administration specifying that all fiscal responsibilities needed to fund and operate the division, including, but not limited to, salaries, overtime, insurance benefits, retirement benefits, paid leave, operating costs, and personal duty equipment must be provided by the United States social security administration. State funds must not be used to fund or operate the division. If the United States social security administration fails to provide the funding needed to fund and operate the division at any time prior to July 1, 2024, then the division ceases to exist.

(d) State special agents who work with the United States social security administration - cooperative disability investigation unit team shall investigate allegations of disability fraud. Upon completion of an investigation, a report detailing the investigation must be sent to the disability determination services, where disability determination services staff serves as the ultimate decision-making entity in determining whether a person is eligible to receive a monthly disability benefit payment.

4-45-102.

The division has the authority to:

(1) Investigate the allegation of disability fraud by conducting interviews of the applicant and third parties and conducting surveillance on those parties;

(2) Investigate civil and criminal fraud and abuse, and investigate other violations of state criminal law;

(3) Cooperate with other law enforcement agencies, and where a preliminary investigation of fraud and abuse by a provider establishes a sufficient basis to warrant a full investigation, refer matters to the appropriate enforcement authority for criminal prosecution;

(4) Refer matters to the appropriate enforcement authorities for civil proceedings of funds that have been inappropriately paid by

PUBLIC CHAPTER NO. 546 (cont'd)

the disability program, including referral to the attorney general for civil recovery; and

(5) Cooperate with other state agencies to investigate disability fraud and abuse.

4-45-103.

(a)

(1) When conducting an investigation or as part of a legal proceeding, the division has the authority to issue subpoenas to compel the attendance of witnesses to examine persons under oath, and to compel persons, firms, or corporations to produce information, including books, accounts, papers, records, and other relevant documents.

(2) If a person, firm, or corporation fails to attend or fails to produce information as prescribed in subdivision (a)(1), then, after giving reasonable notice to the person, firm, or corporation, the division may seek judicial enforcement of the subpoena by filing, through the attorney general, a petition with the circuit or chancery court of Davidson County or of the judicial district in which the person, firm, or corporation resides. The petition must incorporate, or be accompanied by, a certification regarding the notice given and the failure of the person, firm, or corporation to attend or produce the information.

(3) Upon the filing of a petition under subdivision (a)(2) in proper form, the court shall order the person, firm, or corporation named in the petition to appear and show cause why they should not comply with the subpoena or be held in contempt for failure to comply. The court may employ all judicial power as provided by law to compel compliance with the subpoena, including those powers granted in §§ 29-9-103 - 29-9-106. The court may impose costs and sanctions against such person, firm, or corporation, in the same manner and on the same basis as may be imposed for failure to comply with judicially issued subpoenas under the Tennessee Rules of Civil Procedure.

(4) The court may order the person, firm, or corporation to comply, and has the authority to punish the persons and entities for each day they fail to comply with an order as a separate contempt of court.

(5) The subpoena enforcement remedies set forth in this subsection (a) are cumulative, and not exclusive, of other remedies provided by law for the enforcement of such subpoenas.

(b) The division has the authority to compel the production of current and former employment records as part of an investigation. Employment records include employment details, wages, and insurance information of disability applicants and enrollees. Employment records must be open to inspection and are subject to being copied by a special agent at any reasonable time and as often as may be necessary. The division also has the authority to compare information reported to the United States social security administration and the bureau

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of TennCare by applicants or enrollees with data maintained by the credit bureaus.

(c) The complete patient record of any applicant for disability benefits must be made available to the division upon request. The record may include any services, goods, and pharmaceuticals dispensed regardless of the payment source. Records accessed during an investigation must be protected in accordance with state and federal privacy laws.

4-45-104.

(a) The staff of the division must include law enforcement officers, as defined in § 39-11-106, who shall be known as special agents and must be qualified in accordance with § 38-8-106, and must have successfully completed a training course approved by the Tennessee peace officer standards and training commission. Special agents must undergo a federal background investigation conducted by the United States social security administration - office of inspector general, which must also approve any selection and appointment of personnel to the division.

(b) A duly authorized special agent who has been designated by the division to enforce this chapter is authorized and empowered to go armed while on active duty engaged in enforcing this chapter. A special agent is also considered a commissioned qualified criminal investigator for the purposes of the federal Law Enforcement Officers Safety Act of 2004 (Pub. L. No. 108-277), and is directed, pursuant to § 39-17-1315(a)(1), to carry firearms at all times, regardless of regular duty hours or assignments. Special agents are also empowered to execute search warrants and do all acts incident thereto in the same manner as search warrants may be executed by sheriffs and other peace officers.

(c) Special agents of the division have the authority to make arrests for state felony or misdemeanor violations and the authority to make traffic stops in an emergency situation where the safety of the public is in jeopardy.

4-45-105.

(a) Records obtained pursuant to this chapter must be treated as confidential investigative records of the division and must not be open to public inspection.

(b) Notwithstanding other law to the contrary, a person or entity is not subject to any civil or criminal liability for providing the division with access to data as required by this chapter.

(c) This chapter does not require a person or entity to create new records or data that did not exist at the time of the request. However, a person or entity shall not destroy existing data after having been put on notice that access to the data is required pursuant to this section.

4-45-106.

Representatives from the cooperative disability investigations program shall appear before the government operations committee of the senate and the government operations committee of the house of

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representatives by December 31, 2023, to report on all aspects of the division's performance.

4-45-107.

No later than January 31, 2023, the division shall submit a final report on its overall operations to the legislative committees listed in § 4-45-101(a)(2)(D). The division shall also provide the legislative committees with any other information related to the function of the division upon request.

4-45-108. This chapter is repealed July 1, 2024.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 547**SENATE BILL NO. 722****By Johnson, Haile, Walley**

Substituted for: House Bill No. 139

By Lamberth, Gant, Baum, Littleton

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 49, relative to educational supports for foster care youth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-4-933]

SECTION 1. Tennessee Code Annotated, Section 49-4-933(b), is amended by adding the following as a new subdivision:

() Was, after reaching seventeen (17) years of age, placed in state custody, placed in permanent guardianship by the department of children's services, or placed for adoption by the department of children's services or one (1) of the department's adoption contract agencies.

[49-7-179]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The department of children's services, working jointly with the Tennessee higher education commission, the board of regents, and public institutions of higher education, shall establish a foster care youth outreach liaison pilot program at a minimum of five (5) public institutions of higher education.

(b) The purpose of the liaison is to serve as:

(1) A knowledgeable source of information for youth who are in foster care, participating in extension of foster care, or are former foster youth regarding existing resources at the higher education institution; and

(2) A point of contact between the department of children's services and the higher education institution regarding the special needs of these youth in order to increase retention and graduation among this population.

(c) The department of children's services, working jointly with the Tennessee higher education commission, the board of regents, and public institutions of higher education, shall establish the scope and duties of the liaisons in the program, including the requisite qualifications, training, or education for serving as a liaison. A liaison may be an employee of the higher education institution.

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(d) The pilot program terminates on June 30, 2024. While the program is in effect, the department of children's services, working jointly with the Tennessee higher education commission, the board of regents, and public institutions of higher education, shall evaluate the success of the program and, on or before January 1, 2024, provide a recommendation to the education committees of the senate and the house of representatives regarding whether the program should be extended or expanded.

[Effective date 5/26/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 548**SENATE BILL NO. 742****By Johnson, Yager**

Substituted for: House Bill No. 90

By Lamberth, Gant, Powers, Carr, Curcio, Doggett, Moody

AN ACT to amend Tennessee Code Annotated, Title 4; Title 10; Title 50; Title 59; Title 60; Title 67; Title 68; Title 69 and Chapter 839 of the Public Acts of 2018, relative to coal mining and reclamation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 59, ch. 8; 59-8-101; 59-8-102; 59-8-103; 59-8-104; 59-8-105; 59-8-106; 59-8-107; 59-8-108; 59-8-109; 59-8-110; 59-8-111; 59-8-112; 59-8-113; 59-8-114; 59-8-115; 59-8-116; 59-8-117; 59-8-118; 59-8-119; 59-8-120; 59-8-121; 59-8-122; 59-8-123; 59-8-124; 59-8-125; 59-8-126; 59-8-127; 59-8-128; 59-8-129; 59-8-130; 59-8-131; 59-8-132; 59-8-133; 59-8-212; 4-3-1016; 4-29-239; 59-8-202; 59-8-304; 59-8-403; 59-8-411; 59-8-413; 59-8-414; 59-8-416; 59-8-417; 59-10-102; 60-1-101; 60-1-401; 60-1-404; 60-1-503; 68-203-103; 68-203-104; 68-203-105; 68-221-201; 68-221-703; 68-221-1111; 69-3-103; 69-3-1034; 69-3-105; 69-3-135; 69-3-138; 69-3-139; 69-3-146; 69-7-206; 69-7-207; 69-7-210; 69-7-303; 67-7-104; 67-7-110; 68-105-120; 59-8-134]

SECTION 1. Chapter 839 of the Public Acts of 2018, is amended by deleting sections 1 – 43.

[59-8-132]

SECTION 2. Tennessee Code Annotated, Section 59-8-132, is amended by deleting the section.

[T. 59, ch. 8, part 1; 59-8-102; 59-8-103; 59-8-104; 59-8-105; 59-8-106; 59-8-107; 59-8-108; 59-8-109; 59-8-110; 59-8-111; 59-8-112; 59-8-113; 59-8-114; 59-8-115; 59-8-116; 59-8-117; 59-8-118; 59-8-119; 59-8-120; 59-8-121; 59-8-122; 59-8-123; 59-8-124; 59-8-125; 59-8-126; 59-8-127; 59-8-128; 59-8-129; 59-8-130; 59-8-131; 59-8-132]

SECTION 3. Tennessee Code Annotated, Title 59, Chapter 8, is amended by adding the following language as a new part:

59-8-101.

(a) This part shall be known and may be cited as the “Primacy and Reclamation Act of Tennessee.”

(b) The general assembly finds and declares that:

(1) Coal is an integral component of the nation’s energy requirements and that there is a need to strike a balance between protection of the environment, agricultural productivity, and economic development and the nation’s need for coal as a source of energy;

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(2) The unregulated exploration for and surface mining of coal can cause soil erosion and landslides, water and air pollution, and accumulation and seepage of contaminated water, and may contribute to floods, impair the value of land, adversely affect fish and wildlife and their habitats, counteract efforts for the conservation of soil, water, and other natural resources, adversely affect cultural resources, impair neighboring owners' property rights, create fire hazards, and in general create conditions inimical to life, property, and the public welfare, so as to require the exercise of the state's police power in the regulation of, exploration for, and surface mining of coal; and

(3) There are wide variations in the circumstances and conditions surrounding and arising out of the exploration for and surface mining of coal, due primarily to differences in topographical, geological, and soil conditions, which make it necessary, in order to provide the most effective, beneficial, and equitable solution to the problem, that broad discretion be placed in the authority designated to administer and enforce the regulatory provisions enacted by the general assembly.

(c) It is the purpose of this part to:

(1) Assume for this state exclusive jurisdiction over the regulation of surface coal mining and reclamation operations within this state under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(2) Develop, implement, and enforce a program which, at a minimum, will achieve the purposes of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and the regulations promulgated thereunder;

(3) Assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances to the land are fully protected from those operations;

(4) Assure that surface coal mining operations are not conducted where reclamation as required by this part is not feasible;

(5) Assure that surface coal mining operations are conducted in a manner protective of the environment;

(6) Assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(7) Assure that appropriate procedures are provided for public participation in the development, revision, and enforcement of rules, standards, reclamation plans, or programs established by the state under this part;

(8) Assure that the coal supply integral to the energy requirements of the nation and to its economic and social well-being is provided, and to strike a balance between protection of the environment, agricultural productivity and economic development and

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the need of the nation for coal as an integral component of the nation's energy requirements; and

(9) To, wherever necessary, exercise the full reach of state constitutional powers to ensure the protection of the public interest through effective control of surface coal mining operations.

59-8-102. As used in this part:

(1) "Affected area":

(A) Means any land or water surface area that is used to facilitate, or is physically altered by, surface coal mining and reclamation operations; and

(B) Includes:

(i) The disturbed area;

(ii) Any area upon which surface coal mining and reclamation operations are conducted;

(iii) Any adjacent lands, the use of which is incidental to surface coal mining and reclamation operations;

(iv) All areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations;

(v) Any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, or shipping areas;

(vi) Any areas upon which are sited structures, facilities, or other property or materials on the surface resulting from, or incidental to, surface coal mining and reclamation operations; and

(vii) The area located above underground workings;

(2) "Alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities but does not include upland areas that are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation, and windblown deposits;

(3) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining, and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the commissioner determines that the water impoundments comply with § 59-8-110(b) (8);

(4) "Commissioner" means the commissioner of environment and conservation or the commissioner's designee;

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(5) "Department" means the department of environment and conservation;

(6) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian land; provided, that for the purposes of this part, lands or mineral interests east of the one hundredth meridian west longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority are not subject to 30 U.S.C. §§ 1304 and 1305;

(7) "Federal program" means a program established by the secretary pursuant to 30 U.S.C. § 1254 to regulate surface coal mining and reclamation operations on lands within a state in accordance with the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(8) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this part in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation could be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement;

(9) "Lands eligible for remining" means those lands that would otherwise be eligible for expenditures under 30 U.S.C. §§ 1232(g)(4) or 1234;

(10) "Locality" means the county where all or the majority of a surface coal mining and reclamation operation is located;

(11) "Office" means the office of surface mining reclamation and enforcement, established by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(12) "Operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred fifty (250) tons of coal from the earth by coal mining within twelve (12) consecutive months in any one (1) location;

(13) "Other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals that occur naturally in liquid or gaseous form;

(14) "Permit" means a permit to conduct surface coal mining and reclamation operations issued by the commissioner;

(15) "Permit applicant" or "applicant" means a person applying for a permit;

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(16) "Permit area" means the area of land indicated on the approved map submitted by the operator with the operator's application, which area of land is covered by the operator's bond as required by § 59-8-108 and shall be readily identifiable by appropriate markers on the site as required by § 59-8-112(j);

(17) "Permittee" means a person holding, or required by this part or rules promulgated by the commissioner to hold, a permit;

(18) "Person" means an individual, partnership, association, society, governmental agency or entity, joint stock company, firm, company, corporation, or other business organization;

(19) "Prime farmland" has the same meaning as that previously prescribed by the United States secretary of agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics; which historically has been used for intensive agricultural purposes; and as published in 7 CFR 657.5;

(20) "Reclamation plan" means a plan submitted by an applicant for a permit under § 59-8-109, that sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to § 59-8-109;

(21) "Secretary" means the secretary of the interior;

(22) "Spoil bank" means the overburden as it is piled or deposited in the process of mining;

(23) "Surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary and incident to the reclamation of surface coal mining operations occurring on and after the effective date of this act;

(24) "Surface coal mining operations" means:

(A) Activities conducted on the surface of lands in connection with a surface coal mine or subject to § 59-8-111 relative to surface operations and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, cross ridge, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching, or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; provided, however, that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent (16 2/3%) of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to § 59-8-105; and

(B) The areas upon which the activities described in subdivision (24)(A) occur or where the activities disturb the natural land surface. Such areas also include any adjacent land, the use of which is incidental to any of the activities described in subdivision (24)(A); all lands affected by the construction of new roads or the improvement or

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use of existing roads to gain access to the site of any of the activities described in subdivision (24)(A) and for haulage; and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to any of the activities described in subdivision (24)(A);

(25) "Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of a permit or any requirement of this part due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of a permit or this part due to indifference, lack of diligence, or lack of reasonable care; and

(26) "Willful" or "willfully" means that a person acted:

(A) Intentionally, voluntarily, or consciously; and

(B) With intentional disregard or plain indifference to legal requirements.

59-8-103.

(a) The commissioner shall:

(1) Administer the programs for controlling surface coal mining operations that are required by this part and enforce this part, and rules, permits, and orders promulgated or issued under this part;

(2) Conduct and obtain investigations, research, experiments, training programs, and demonstrations, and collect and disseminate information relating to exploration, surface coal mining, reclamation of disturbed lands, and control of pollution of water and soil affected by exploration and surface coal mining;

(3) Examine and either approve, request modification of, or disapprove applications for permits, maps, bonds, mining and reclamation plans, revegetation plans, and after-use plans submitted by applicants;

(4) Conduct those investigations and inspections necessary to ensure compliance with this part, including the authority to enter at any time upon a suspected affected area or an affected area for investigations and inspections and the right of ingress and egress across intervening properties;

(5) Employ and commission qualified individuals as surface coal mining personnel as provided in § 11-1-101. When properly qualified and commissioned, surface coal mining personnel shall enforce all laws, rules, permits, and orders administered by the commissioner under this part, including, but not limited to, authorization to serve process;

(6) Conduct hearings, administer oaths, issue subpoenas, and compel the attendance of witnesses and production of written or printed material as provided for in this part;

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(7) Issue cease-and-desist orders and other orders as authorized by this part, in the office or on-site, requiring the adoption by a person of remedial measures necessary for carrying out this part or permits issued under this part;

(8) Order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this part or any rules adopted pursuant this part;

(9)(A) Promulgate rules in accordance with title 4, chapter 5, as may be necessary to carry out the purposes of this part, including obtaining and maintaining the state's status as a regulatory authority under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(B) The rules may take proper account of mining conditions and practices in this state and differences in topography, geology, and soil conditions, and established use patterns of neighboring lands as recognized by local or state planning agencies;

(C) The rules may include federal program regulations promulgated specifically for this state under 30 CFR part 942, if the commissioner determines that such regulations are necessary to carry out the purposes of this part;

(D) Unless otherwise specifically authorized by this part, no rule promulgated under this subdivision shall impose a requirement that is more stringent than any existing federal regulation promulgated under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(E) Any person may petition the commissioner to initiate a proceeding for the issuance, amendment, or repeal of a rule promulgated pursuant to this part. This subdivision (a)(9)(E), and not § 4-5-201, shall apply to rules promulgated pursuant to this part;

(i) The petition must be filed with the commissioner and must state the facts that support the issuance, amendment, or repeal of a rule promulgated pursuant to this part;

(ii) The commissioner may hold a public hearing or may conduct such investigation or proceeding as the commissioner considers appropriate in order to determine whether the petition should be granted or denied; and

(iii) Within ninety (90) days after the filing of a petition described in subdivision (a)(9)(E)(i), the commissioner shall either grant or deny the petition. If the commissioner grants the petition, the commissioner shall promptly commence rulemaking in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. If the commissioner denies the petition, the commissioner shall notify the petitioner in writing setting forth the reasons for the denial;

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(10) Administer the program for the purchase and reclamation of abandoned and unreclaimed mined areas as provided in part 3 of this chapter; and

(11) Perform such other duties as may be provided by law and relate to the purposes of this part.

(b) The commissioner may, to effectuate the purposes of this part:

(1) Enter into contracts or other agreements; and

(2) Apply for, accept, administer, and utilize loans and grants from the federal government, state government, and from any other sources.

59-8-104.

If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the part that can be given effect without the invalid provision or application, and to that end, the provisions of this part are declared to be severable.

59-8-105.

(a)(1) Coal exploration operations that substantially disturb the natural land surface shall be conducted in accordance with exploration rules promulgated by the commissioner.

(2) The rules for coal exploration operations shall include, but not be limited to, requirements that:

(A) Any person planning to conduct exploration operations obtain an exploration permit from the commissioner before conducting those operations;

(B) The applicant submit:

(i) A description of the exploration area and the period of supposed exploration and any other information as the commissioner may require in the permit application; and

(ii) A fee as established by rule and a performance bond or other financial assurance in an amount at least as much as is necessary to reclaim the proposed disturbance as described in subdivision (a)(2)(C); and

(C) Reclamation in accordance with the performance standards in § 59-8-110 of all lands disturbed in exploration, including excavations, roads, drill holes and the removal of necessary facilities and equipment.

(b) Any person who conducts any coal exploration activities that substantially disturb the natural land surface in violation of this part or rules promulgated pursuant to this part is subject to the penalties in § 59-8-117.

(c) No operator shall remove more than two hundred fifty (250) tons of coal pursuant to an exploration permit without the specific written approval of the commissioner.

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(d) Information submitted to the department and the commissioner pursuant to this section as confidential trade secrets or privileged commercial or financial information, which relates to the competitive rights of the person or entity intended to explore the described area, is not available for public examination under title 10, chapter 7.

59-8-106.

(a)(1) No person shall engage in surface coal mining operations without having first obtained a permit from the commissioner. All permits issued under this part must be issued for a term not to exceed five (5) years; however, if the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation, and if the application is full and complete for the specified longer term, the commissioner may issue a permit for the longer term.

(2) A successor in interest to a permittee who submits a complete application for a new permit within thirty (30) days of succeeding to the interest, and who is able to obtain the bond coverage of the original permittee may, with the written approval of the commissioner, continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until the successor's application for a new permit and plan is granted or denied; provided, that operations under the original permit must not exceed the termination date of the original permit.

(b) The issuance of permits shall be subject to payment of any required fee, posting the performance bond required by this part, and submission to the department of an application, in a manner satisfactory to the commissioner, containing any information that is necessary to assure compliance with this part as prescribed in the rules promulgated by the commissioner, including but not limited to, the following:

(1) The names and addresses of:

(A) The permit applicant;

(B) Every legal owner of record of the property, both surface and mineral, to be mined;

(C) The holders of record of any leasehold interest in the property;

(D) Any purchaser of record of the property under a real estate contract;

(E) The operator, if the operator is a person different from the applicant; and

(F) If any person identified in subdivisions (b)(1)(A)-(E) is a business entity other than a single proprietor, the names and addresses of the principals, officers, and resident agent of the business entity;

(2) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;

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(3) A statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification and each pending application;

(4) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable:

(A) The names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant;

(B) The name and address of any person owning, of record ten percent (10%) or more of any class of voting stock of the applicant; and

(C) A list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States within the five-year period immediately preceding the date of submission of the application;

(5) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a federal or state mining permit which in the five-year period immediately prior to the date of submission of the application has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) A copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four (4) successive weeks, and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents, and the location of where the application is available for public inspection as provided in § 59-8-112(a);

(7) A description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(8) The anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(9) The area of land within the permit area upon which the applicant has the legal right to enter and commence surface mining operations identified on an accurate map or plan, to an appropriate scale, clearly showing the land to be affected as of the date of the application and a statement of those documents upon which the applicant bases the applicant's legal right to enter and commence surface mining operations on the area affected, and whether that right is the subject of pending court litigation; provided, however, that nothing in this part vests in the commissioner the jurisdiction to adjudicate property title disputes;

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(10) The name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and groundwater systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the commissioner of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability; provided, however, no determination shall be required until the time hydrologic information on the general area prior to mining is made available from an appropriate federal or state agency. No permit shall be issued until the information required by this subdivision (b)(11) is available and is incorporated into the application;

(12) When requested by the commissioner, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) Accurate maps to an appropriate scale clearly showing:

(A) The land to be affected as of the date of application; and

(B) All types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and significant known archeological sites existing on the date of application. Such a map or plan must, among other things specified by the commissioner, show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet (1,000 ft.) of the permit area;

(14) Cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a qualified registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevations and locations of test borings or core samplings and depicting the following information:

(A) The nature and depth of the various strata of overburden;

(B) The location of subsurface water, if encountered, and its quality;

(C) The nature and thickness of any coal or rider seam above the coal seam to be mined;

(D) The nature of the stratum immediately beneath the coal seam to be mined;

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(E) All mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected;

(F) Existing or previous surface mining limits;

(G) The location and extent of known workings of any underground mines, including mine openings to the surface;

(H) The location of aquifers;

(I) The estimated elevation of the water table;

(J) The location of spoil, waste, or refuse areas and top-soil preservation areas;

(K) The location of all impoundments for waste or erosion control;

(L) Any settling or water treatment facility;

(M) Any constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and

(N) Profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(15)(A) A statement of the result of test borings or core samplings from the permit area, including:

(i) Logs of the drill holes;

(ii) The thickness of the coal seam found and, an analysis of the chemical properties of such coal;

(iii) The sulfur content of any coal seam;

(iv) Chemical analysis of potentially acid or toxic forming sections of the overburden; and

(v) Chemical analysis of the stratum lying immediately underneath the coal to be mined;

(B) The provisions of this subdivision (b)(15) may be waived by the commissioner with respect to the specific application by a written determination that such requirements are unnecessary; and

(16) For those lands in the permit application that a reconnaissance inspection suggests may be prime farmlands, a soil survey shall be made or obtained according to standards established by the United States secretary of agriculture in order to confirm the exact location of such prime farmlands, if any.

(c) Information pertaining to coal seams, test borings, core samplings, or soil samples required by this section shall be made available to any person with an interest that is or may be adversely affected; however, information that pertains only to the analysis of the chemical and physical properties of the coal, except that information regarding any mineral or elemental content, which is potentially toxic in the environment, shall be kept confidential and not made a matter of public record under title 10, chapter 7.

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(d) Each applicant for a surface coal mining and reclamation operation permit shall submit a reclamation plan that meets the requirements of this part, to the commissioner as part of the permit application.

(e) Each applicant for a surface coal mining and reclamation permit shall submit, as part of the permit application, a blasting plan that outlines the procedures and standards by which the applicant will meet the requirements of § 59-8-110(b)(15).

(f) Each applicant for a surface coal mining permit shall submit, as part of the permit application, a certificate issued by an insurance company authorized to do business in this state, certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which the permit is sought, or evidence that the applicant is self-insured. The public liability insurance policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of law. The policy shall be maintained in full force and effect during the terms of the permit or any renewal period, including the length of all reclamation operations.

(g) In any case when the private mineral estate has been severed from the private surface estate, the applicant for a permit shall submit one (1) of the following to the commissioner:

(1) The written consent of the surface owner to the extraction of coal by surface mining methods;

(2) A copy of a conveyance that expressly grants or reserves the right to extract coal by surface mining methods; or

(3) If the conveyance does not expressly grant the right to extract coal by surface mining methods, documentation that the applicant has the legal authority to extract the coal by surface mining methods. The surface-subsurface legal relationship shall be determined in accordance with the laws of this state. Nothing in this part authorizes the commissioner to adjudicate property rights disputes.

(h) The applicant for a permit shall submit a schedule listing any and all notices of violations of this part, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.), or any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the three-year period immediately prior to the date of application. The schedule must also indicate the final resolution of any such notice of violation.

(i)(1) If the commissioner finds that the probable total annual production at all locations of an operator will not exceed three hundred thousand (300,000) tons, the cost of the following activities, which shall

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be performed by a qualified public or private laboratory or such other public or private qualified entity designated by the commissioner, shall be assumed by the commissioner, subject to the availability of federal or other special funds specified for that purpose, upon the written request of the operator in connection with a permit application:

(A) The determination of probable hydrologic consequences required by subdivision (b)(11), including the engineering analyses and designs necessary for the determination;

(B) The development of cross-section maps and plans required by subdivision (b)(14);

(C) The geologic drilling and statement of results of test borings and core samplings required by subdivision (b)(15);

(D) The collection of archaeological information required by subdivision (b)(13) and any other archaeological and historical information required by the commissioner, and the preparation of plans necessitated thereby;

(E) Pre-blast surveys required by § 59-8-110(b)(15); and

(F) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values as required by the commissioner under this part.

(2) An operator that has received assistance pursuant to subdivision (i)(1) shall reimburse the department for the cost of the services rendered if the commissioner finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand (300,000) tons during the twelve (12) months immediately following the date on which the operator is issued the surface coal mining and reclamation permit.

(j) The commissioner shall promulgate rules implementing exemption from this part for the following activities:

(1) Extraction of coal as an incidental part of federal, state, or local government financed highway or other construction; and

(2) Extraction of coal by a landowner for the landowner's own noncommercial use from land owned or leased by the landowner.

59-8-107.

(a) The commissioner shall establish fees determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services under this part. The fees may include, but are not limited to, an exploration permit fee, an application fee, and a maintenance acreage fee taking into account the acreage permitted. In no instance shall a permit application fee exceed the actual or anticipated cost of reviewing, administering, and enforcing the permit.

(b) Prior to promulgating any fee increase, the commissioner shall review the basis for the fee increase and make a determination that

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the fee increase is warranted. The factors used in the determinations must include, if relevant: staffing needs, ability to attract and retain quality staff, feasible cost containment measures, comparisons with salaries paid by other governments and the private sector, levels of federal grants and state appropriations, and the ability of the program to maintain or improve its performance in carrying out its duties.

(c) Fees collected pursuant to this section shall be deposited in the coal mining protection fund, created in § 59-8-132.

59-8-108.

(a) After a surface coal mining and reclamation permit application is approved, but prior to issuance of the permit, the applicant shall file with the commissioner, on a form prescribed and furnished by the commissioner, a bond for performance payable to this state and conditioned on the faithful performance of this part and the permit. The bond shall cover the area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the operator shall file with the commissioner an additional bond or bonds to cover those increments in accordance with this section. The commissioner shall determine the amount of the bond required for each bonded area based upon the reclamation requirements of the approved permit and the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential. The amount of the bond must be sufficient to assure the completion of the reclamation plan if the work had to be performed by the commissioner in the event of forfeiture and in no case shall the bond for the entire area under one (1) permit be less than ten thousand dollars (\$10,000).

(b)(1) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with operator's responsibility for revegetation requirements in § 59-8-110. The bond must be executed by the operator and a corporate surety licensed to do business in this state, except that, subject to the approval of the commissioner, the operator may elect to deposit cash, negotiable bonds of the federal government or this state, negotiable certificates of deposit of any bank organized or transacting business in the United States, or any other collateral bonding method authorized by regulations promulgated by the secretary under such conditions as prescribed by the secretary. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area. Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited.

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(2) The commissioner may approve an alternative bonding system if the system will achieve the objectives and purposes of the bonding program pursuant to this section.

(c) The commissioner may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the commissioner the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond. The commissioner may promulgate rules more stringent than the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.), or regulations promulgated pursuant to such act, implementing this subsection (c) to ensure the objectives and purposes of the bonding program pursuant to this section.

(d) The commissioner shall adjust the amount of the bond or deposit required and the terms of each acceptance of the operator's bond from time to time as affected land acreages are amended and increased or decreased, as plans are changed, or when the cost of future reclamation changes.

59-8-109.

(a) Each permit application shall include a reclamation plan that meets the requirements prescribed by the commissioner and contains the information in the degree of detail necessary to demonstrate that reclamation required by this part can be accomplished, including but not limited to:

(1) The identification of the lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) The condition of the land to be covered by the permit prior to any mining, including:

(A) The uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining;

(B) The capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover, and, if applicable, a soil survey prepared pursuant to § 59-8-106(b)(16); and

(C) The productivity of the land prior to mining, including appropriate classification as prime farmlands, as well as the average yield of food, fiber, forage, or wood products from such lands obtained under high levels of management;

(3) The use that is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any owner of the surface and state and local governments,

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or agencies or subdivisions of such governments, that would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation;

(4) A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities that may be needed to achieve the proposed land use;

(5) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance standards in § 59-8-110(b)(7)(A)-(D), for those food, forage, and forest lands identified in § 59-8-110(b)(7); an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in § 59-8-110;

(6) The consideration given to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffected the land in the future can be minimized;

(7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) The consideration given to making the surface mining and reclamation operations consistent with surface owner plans, and applicable state and local land use plans and programs;

(9) The steps to be taken to comply with applicable air and water quality laws and rules and any applicable health and safety standards;

(10) The consideration given to developing the reclamation plan in a manner consistent with local physical environmental and climatological conditions;

(11) All lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) The results of test boring that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the commissioner, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden. Information that pertains only to the analysis of the chemical and physical properties of the coal, excepting information regarding such mineral or elemental contents that is potentially toxic in the environment, shall be kept confidential and not made a matter of public record; and

(13) A detailed description of the measures to be taken during the mining and reclamation process to assure the protection of:

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(A) The quality of surface and groundwater systems, both on-and off-site, from adverse effects of the mining and reclamation process;

(B) The rights of present users to such water; and

(C) The quantity of surface and groundwater systems, both on-and off-site, from adverse effects of the mining and reclamation process or to provide alternative sources of water where such protection of quantity cannot be assured.

(b) Any information required by this section that is not required to be open for public inspection by this part shall be held in confidence by the commissioner and not made available for public inspection under title 10, chapter 7.

59-8-110.

(a) Any permit issued under this part to conduct surface coal mining and reclamation operations must require the operations to meet all applicable performance standards of this part and such other requirements as the commissioner shall promulgate.

(b) General performance standards apply to all surface coal mining and reclamation operations and must require the operation, at a minimum, to:

(1) Conduct surface coal mining operations to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized;

(2) Restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable or inconsistent with applicable land use policies and plans, involve unreasonable delay in implementation, or violate federal, state, or local law;

(3)(A) Except as provided in subsection (c) with respect to all surface coal mining operations backfill, compact (where advisable to ensure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated, unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this part;

(B) Notwithstanding subdivision (b)(3)(A), in surface coal mining:

(i) Which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposits relative to the volume of

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the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region; and

(ii) Where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this part;

(4) Stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick-growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata that is best able to support vegetation;

(6) Restore the topsoil or the best available subsoil which is best able to support vegetation;

(7) For all prime farmlands as identified in § 59-8-106(b)(16) to be mined and reclaimed, specifications for soil removal, storage, replacement, and reconstruction shall be established by the United

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States secretary of agriculture, and the operator shall, as a minimum, be required to:

(A) Segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(B) Segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be both texturally and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(C) Replace and regrade the root zone material described in subdivision (b)(7)(B) with proper compaction and uniform depth over the regraded spoil material; and

(D) Redistribute and grade in a uniform manner the surface soil horizon described in subdivision (b)(7)(A);

(8) Create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

(A) The size of the impoundment is adequate for its intended purposes;

(B) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under the Watershed Protection and Flood Prevention Act of 1954 (16 U.S.C. § 1006);

(C) The quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream;

(D) The level of water will be reasonably stable;

(E) Final grading will provide adequate safety and access for proposed water users; and

(F) Such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

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(9) Conduct any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the commissioner determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The commissioner may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts;

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and groundwater systems both during and after surface coal mining operations and during reclamation by:

(A) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(i) Preventing or removing water from contact with toxic producing deposits;

(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses; and

(iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells and keeping acid or other toxic drainage from entering ground and surface waters;

(B) Conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law;

(C) Constructing any siltation structures pursuant to subdivision (b)(10)(B) prior to commencement of surface coal mining operations. Such structures must be certified by a qualified registered engineer, or a qualified registered professional land surveyor if authorized by this state to prepare and certify such maps or plans, to be constructed as designed and as approved in the reclamation plan;

(D) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized; and depositing the silt and debris at a site and in a manner approved by the commissioner;

(E) Restoring recharge capacity of the mined area to approximate premining conditions;

(F) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(G) Preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the state; and

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(H) Such other actions as the commissioner may prescribe;

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this part;

(12) Refrain from surface coal mining within five hundred feet (500 ft.) from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners; provided, that the commissioner shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer to an active underground mine if:

(A) The nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities are jointly approved by the commissioner and the federal and state regulatory authorities concerned with health and safety of underground miners; and

(B) Such operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public;

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules promulgated by the commissioner, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments. Such standards and criteria shall conform to the standards and criteria established by the secretary and used by the chief of engineers to ensure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications, the standards and criteria must include provisions for review and approval of plans and specifications prior to construction, enlargement, modification, removal, or abandonment; performance of periodic inspections during construction; issuance of certificates of approval upon completion of construction; performance of periodic safety inspections; and issuance of notices for required remedial or maintenance work;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

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(15) Ensure that explosives are used only in accordance with existing state and federal law and the rules promulgated by the commissioner, which shall include provisions to:

(A) Provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile (0.5 mi.) of the proposed blasting site and by providing daily notice to resident/occupiers in such areas prior to any blasting;

(B) Maintain for a period of at least three (3) years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;

(C) Limit the type of explosives and detonating equipment, the size, and the timing and frequency of blasts based upon the physical conditions of the site so as to prevent:

(i) Injury to persons;

(ii) Damage to public and private property outside the permit area;

(iii) Adverse impacts on any underground mine; and

(iv) Change in the course, channel, or availability of ground or surface water outside the permit area;

(D) Require that all blasting operations be conducted by trained and competent persons certified by the commissioner; and

(E) Provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile (0.5 mi.) of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the commissioner and a copy to the resident or owner making the request. The area of the survey shall be decided by the commissioner and shall include such provisions as the commissioner shall promulgate in accordance with regulations promulgated by the secretary;

(16) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations; provided, however, that where the applicant proposes to combine surface mining operations with underground mining operations to assure maximum practical recovery of the mineral resources, the commissioner may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation:

(A) If the commissioner finds in writing that:

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(i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations;

(ii) The proposed underground mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbances of the surface;

(iii) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in the jurisdiction and that permits necessary for the underground mining operations have been issued by the appropriate authority;

(iv) The areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations;

(v) No substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this part; and

(vi) Provisions for the off-site storage of spoil will comply with subdivision (b)(22);

(B) If the commissioner has promulgated specific rules to govern the granting of such variances in accordance with the provisions of this subdivision (b)(16), and has imposed such additional requirements as the secretary deems necessary;

(C) If variances granted under the provisions of this subdivision (b)(16) are to be reviewed by the commissioner not more than three (3) years from the date of issuance of the permit; and

(D) If liability under the bond filed by the applicant with the commissioner pursuant to § 59-8-108 shall be for the duration of the underground mining operations and until the requirements of this subsection (b) and § 59-8-115 have been fully complied with;

(17) Ensure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property;

(18) Refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) Establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

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(20)(A) Assume the responsibility for successful revegetation, as required by subdivision (b)(19), for a period of five (5) full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with subdivision (b)(19), except where the annual average precipitation is twenty-six inches (26 in.) or less, then the operator's assumption of responsibility and liability will extend for a period of ten (10) full years after the last year of augmented seeding, fertilizing, irrigation, or other work; provided, that when the commissioner issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan:

(i) The applicable five-or ten-year period of responsibility for revegetation shall commence at the date of initial planting for the long-term intensive agricultural postmining land use; and

(ii) The commissioner may grant exception to subdivision (b)(19);

(B) On lands eligible for remining, assume the responsibility for successful revegetation for a period of two (2) full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards, except in those areas or regions of the state where the annual average precipitation is twenty-six inches (26 in.) or less, then the operator's assumption of responsibility and liability will be extended for a period of five (5) full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards;

(21) Protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(22) Place all excess spoil material resulting from surface coal mining and reclamation activities in such a manner that:

(A) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(B) The areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(C) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(D) The disposal area does not contain springs, natural water courses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(E) If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of

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the commissioner, the spoil could be placed in compliance with all the requirements of this part and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(F) Where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size to prevent mass movement, is constructed;

(G) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(H) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards; and

(I) All other provisions of this part and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) are met;

(23) Meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this part and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.), taking into consideration the physical, climatological, and other characteristics of the site;

(24) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; and

(25) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the commissioner shall determine shall be retained in place as a barrier to slides and erosion.

(c)(1) Where an applicant meets the requirements of subdivisions (c)(2) and (c)(3), a permit without regard to the requirement to restore to approximate original contour set forth in subdivision (b)(3) or subdivisions (d)(2) and (d)(3) may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in subdivision (c)(3)(A)) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses pursuant to this subsection (c).

(2) In cases where an industrial, commercial, agricultural, residential, or public facility use, including use as a recreational facility, is proposed for the postmining use of the affected land, the regulatory authority may grant a permit for a surface mining operation of the nature described in subdivision (c)(1) where:

(A) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is deemed to constitute an equal or better economic or public use of the affected land, as compared with pre-mining use;

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(B) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be:

- (i) Compatible with adjacent land uses;
- (ii) Obtainable according to data regarding expected need and market;
- (iii) Assured of investment in necessary public facilities;
- (iv) Supported by commitments from public agencies where appropriate;
- (v) Practicable with respect to private financial capability for completion of the proposed use;
- (vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

(vii) Designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(C) The proposed use would be consistent with adjacent land uses, and existing state and local land use plans and programs;

(D) The commissioner provides the governing body of the local government in which the land is located and any state or federal agency that the commissioner, in the commissioner's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty (60) days to review and comment on the proposed use; and

(E) All other requirements of this part will be met.

(3) In granting any permit pursuant to this subsection (c) the commissioner shall require that:

(A) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) The reclaimed area is stable;

(C) The resulting plateau or rolling contour drains inward from the out slopes except at specified points;

(D) No damage will be done to natural watercourses;

(E) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use; provided, that all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of subdivision (b)(22); and

(F) Ensure stability of the spoil retained on the mountaintop and meet the other requirements of this part.

(4) The commissioner shall promulgate specific rules to govern the granting of permits under this subsection (c), and may impose additional requirements that the commissioner determines to be necessary.

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(5) All permits granted under the provisions of this subsection (c) shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(d) The following performance standards apply to steep-slope surface coal mining and are in addition to the general performance standards required by this section;

provided, however, that this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area or where an operator is in compliance with subsection (c):

(1) Ensure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut; provided, that spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of subdivisions (b)(3) or (d)(2) shall be permanently stored pursuant to subdivision (b)(22);

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return the site to the appropriate original contour, which material will maintain stability following mining and reclamation;

(3) The operator may not disturb land above the top of the highwall unless the commissioner finds that such disturbance will facilitate compliance with the environmental protection standards of this section; provided, however, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance; and

(4) For the purposes of this subsection (d), the term "steep slope" means any slope above twenty degrees (20°) or such lesser slope as may be defined by the commissioner after consideration of soil, climate, and other characteristics.

(e)(1) The commissioner may grant variances for the purposes set forth in this subsection (e); provided, that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) If an applicant meets the requirements of subdivision (e)(3), the commissioner may grant a variance from any requirement to restore the area to the approximate original contour in subdivision (d)(2) if the owner of the surface knowingly requests in writing, as a part of the permit application, that a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial,

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residential, or public use, including recreational facilities, in accordance with subdivision (e)(3) and the following:

(A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land shall constitute an equal or better economic or public use;

(B) The backfilling and regrading shall be designed and certified by a registered engineer or a licensed professional geologist in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and

(C) After approval by the commissioner, the watershed of the affected land is deemed to be improved.

(3) In granting a variance under this subsection (e), the commissioner shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned post-mining land use, ensure stability of the spoil retained on the bench, meet all other requirements of this part, and all spoil placement off the mine bench must comply with subdivision (b)(22).

(4) The commissioner shall promulgate specific rules to govern the granting of variances in accordance with this subsection (e), and may impose such additional requirements as the commissioner determines to be necessary.

(5) All variances granted under this subsection (e) shall be reviewed within three (3) years of the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

59-8-111.

(a) No person shall conduct underground coal mining operations until that person obtains a permit limiting and controlling the surface effects of the mining, pays the fees required by § 59-8-107, and posts a performance bond conditioned on satisfactory reclamation of the surface disturbances of the underground coal mining operations under § 59-8-108.

(b) The commissioner shall promulgate rules that are designed to minimize the surface effects of underground coal mining operations; however, in adopting rules, the commissioner shall consider the distinct difference between surface coal mining and underground coal mining. The rules shall not conflict with nor supersede the federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 801 et seq.), or any regulation issued pursuant to that act.

(c) Each permit issued under this part and relating to underground coal mining shall require the operator to:

(1) Adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability,

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and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner; provided, that nothing in this subdivision (c)(1) prohibits the standard method of room and pillar mining;

(2) Seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) Fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade surface or ground waters below water quality standards established pursuant to applicable federal and state law and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) Design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to § 59-8-110, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) Establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) Protect offsite areas from damages that may result from such mining operations;

(8) Eliminate fire hazards and otherwise eliminate conditions that constitute a hazard to health and safety of the public;

(9) Minimize the disturbances of the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quantity of water in surface and groundwater systems both during and after coal mining operations and during reclamation by:

(A) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(i) Preventing or removing water from contact with toxic producing deposits;

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(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses; and

(iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) Conducting surface coal mining operations to prevent, to the extent possible, using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall such contributions be in excess of requirements set by applicable state or federal law), and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(10) With respect to other surface impacts not specified in this subsection (c), including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under § 53-3-110 for such effects which result from surface coal mining operations; provided, that the commissioner shall make modifications in the requirements imposed by this subdivision (b)(10) that are necessary to accommodate the distinct difference between surface and underground coal mining;

(11) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; and

(12) Locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(d) In order to protect the stability of the land, the commissioner shall suspend underground coal mining under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or permanent streams, if the commissioner finds an imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

(e) The requirements of this part relating to permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall apply to surface operations and surface impacts incidental to an underground coal mine with modifications to permit application requirements, permit approval or denial procedures, and bond requirements that are necessary to accommodate the distinct difference between surface coal mining and underground coal mining. The commissioner shall promulgate rules for the modifications for underground coal mines.

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59-8-112.

(a)(1)(A) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this part the applicant shall:

(i) Submit to the commissioner a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected; and

(ii) Place the advertisement submitted in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four (4) consecutive weeks.

(B) The commissioner shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies may submit written comments within a reasonable period established by the commissioner on the mining applications with respect to the effect of the proposed operation on the environment that are within their area of responsibility. Such comments shall immediately be transmitted to the applicant by the commissioner and shall be made available to the public at the same locations as are the mining applications.

(C) Each applicant for a surface coal mining and reclamation permit shall file a copy of the applicant's application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the commissioner where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

(2)(A) Any person having an interest which is, or may be, adversely affected or the officer or head of any federal, state, or local governmental agency or authority has the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the commissioner within thirty (30) days after the last publication of the notice published pursuant to subdivision (a)(1). The objections shall immediately be transmitted to the applicant by the commissioner and shall be made available to the public.

(B) If written objections are filed and an informal conference requested, the commissioner shall then hold an informal conference in the locality of the proposed mining, if requested within a reasonable time of the receipt of such objections or request.

(i) The commissioner shall advertise the date, time and location of the informal conference in a newspaper of general

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circulation in the locality at least two (2) weeks prior to the scheduled conference date.

(ii) The commissioner may arrange with the applicant, upon request by any party to the administrative proceeding, access to the proposed mining area for the purpose of gathering information relevant to the proceeding.

(iii) An electronic or stenographic record shall be made of the conference proceeding, unless waived by all parties. The record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond.

(iv) In the event all parties requesting the informal conference stipulate agreement prior to the requested informal conference and withdraw their request, the informal conference need not be held.

(3) Where the lands included in an application for a permit are the subject of a federal coal lease in connection with which hearings were held and determinations were made under 30 U.S.C. §§ 201(a)(3) (A), (B), and (C), the hearings shall be deemed as to the matters covered to satisfy the requirements of this subsection (a) and subsections (e) and (f) and the determinations shall be deemed to be a part of the record and conclusive for purposes of subsections (b), (e), and (f) and this subsection (a).

(b)(1)(A) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this part, including public notification and an opportunity for a public hearing as required by this section, the commissioner shall grant, require modification of, or deny the application for a permit in a reasonable time set by the commissioner by rule and notify the applicant in writing.

(B) The applicant for a permit, or revision of a permit, shall have the burden of establishing that the application complies with all the requirements of this part.

(C) Within ten (10) days after the granting of a permit, the commissioner shall notify the local governmental officials in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(2) The commissioner shall not approve a permit or revision application unless the application affirmatively demonstrates, and the commissioner makes a written finding based on the information in the application or information otherwise available that is documented in the approval and made available to the applicant, that:

(A) The permit application is accurate and complete and that all the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and this part have been complied with;

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(B) The applicant has demonstrated that reclamation, as required by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and this part, can be accomplished under the reclamation plan contained in the permit application;

(C) The commissioner has assessed the probable cumulative impact of all anticipated surface coal mining in the area on the hydrologic balance as specified in § 59-8-106(b), and the proposed operation thereof has been designed to prevent material damage to the hydrologic balance outside the permit area;

(D) The area proposed to be mined is not included within an area designated unsuitable for surface coal mining and reclamation pursuant to 30 U.S.C. § 1272 or § 59-8-125, or is not within an area under study for that designation in an administrative proceeding commenced pursuant to § 59-8-125, unless the applicant demonstrates that, prior to January 1, 1977, the applicant made substantial legal and financial commitments in relation to a mining operation for which the applicant is applying for a permit; and

(E) In cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the regulatory authority the documentation prescribed by § 59-8-106(g).

(c)(1) When the schedule submitted as prescribed by § 59-8-106(h) or other information available to the commissioner indicates that any surface coal mining and reclamation operation owned or controlled by the applicant is currently in violation of this part, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.), or any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to air or water environmental protection in connection with any surface coal mining operation, the commissioner shall not issue the permit until the applicant submits proof that the violation has been corrected or is in the process of being corrected to the satisfaction of the commissioner, department, or agency that has jurisdiction over the violation.

(2) The commissioner shall not issue a permit to an applicant after a finding by the commissioner, after opportunity for a hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this part of a nature and duration with resulting irreparable damage to the environment as to indicate an intent not to comply with this part. The hearing held pursuant to this subdivision (c)(2) shall be conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply.

(3) The prohibitions of this subsection (c) do not apply to a permit application due to any violation resulting from an unanticipated event

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or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making such application.

(4) As used in this subsection (c), "unanticipated event or condition" means an event or condition encountered in a remining operation that was not contemplated by the applicable surface coal mining and reclamation permit.

(d)(1) In addition to finding the application in compliance with subdivision (b)(2), if an area proposed to be mined for coal contains prime farmland, the commissioner shall, after consultation with and the concurrence of, the United States secretary of agriculture, and pursuant to the rules promulgated by the commissioner that are consistent with regulations promulgated by the secretary with the concurrence of the United States secretary of agriculture, grant a permit to surface mine for coal on prime farmland if the commissioner finds in writing that the operator has the technological capability to restore the mined area within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards in this part. Except for compliance with subdivision (b)(2), the requirements of this subdivision (d)(1) shall apply to all permits issued after August 3, 1977.

(2) Nothing in this subsection (d) applies to any permit issued prior to August 3, 1977, or to any revisions or renewals to those permits, or to any existing surface coal mining operations for which a permit was issued prior to August 3, 1977.

(e)(1) If an informal conference is held under subdivision (a)(2), the commissioner shall issue and furnish to the applicant and other persons who are parties to the administrative proceedings the commissioner's written findings, granting or denying the permit in whole or in part, and stating the reasons for the grant or denial, within sixty (60) days of the informal conference.

(2) If an informal conference is not held under subdivision (a)(2), the commissioner shall notify the applicant for a permit within a reasonable time as determined by the commissioner by rule, taking into account the time needed for proper investigation of the site, the complexity of the permit application, and whether or not written objection to the application has been filed, whether the application has been approved or disapproved in whole or in part.

(f)(1) If the application is approved, the permit shall be issued upon the posting of the required bond.

(2) If the application is disapproved, the commissioner shall state the specific reasons for the disapproval in the notification.

(3)(A) Within thirty (30) days after the applicant is notified of the final decision of the commissioner on the permit application, the applicant or any person with an interest which is or may be

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adversely affected may request a hearing on the reasons for the final determination.

(B)(i) The commissioner shall hold a hearing conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply. The hearing shall be held within thirty (30) days of the request and the commissioner shall provide notification to all interested parties at the time that the applicant is so notified. No person that presided at the conference held pursuant to subdivision (a)(2) shall either preside at the hearing or participate in the decision arising from the hearing.

(ii) Within thirty (30) days after the hearing the commissioner shall issue and furnish the applicant, and all persons who participated in the hearing, with the commissioner's written decision granting or denying the permit in whole or in part and stating the reasons for the approval or denial.

(C) Where a hearing is requested pursuant to this subsection (f), the commissioner may, under such conditions as the commissioner may prescribe, grant such temporary relief as the commissioner deems appropriate pending final determination of the proceedings if:

(i) All parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(ii) The person requesting such relief shows that there is a substantial likelihood that the person will prevail on the merits of the final determination of the proceeding; and

(iii) The relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(D)(i) For the purpose of the hearing, the commissioner has the powers and authorities as provided in this part and title 4, chapter 5, including but not limited to the power and authority to administer oaths, subpoena witnesses or written or printed materials, compel attendance of the witnesses or production of the materials, and take evidence, including, but not limited to, site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation.

(ii) A verbatim record of each public hearing required by this part shall be made, and a transcript made available on the motion of any party or by order of the commissioner.

(E) Any applicant or any person with an interest which is or may be adversely affected who has participated in the hearing under this subsection (f), and who is aggrieved by the decision of the commissioner, or if the commissioner fails to act within the time limits

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specified in this part, shall have the right to petition for judicial review as provided in § 59-8-121.

(g)(1) A permit terminates if the permittee has not commenced the surface coal mining operations covered by the permit within three (3) years of the date of issuance of the permit; however, the commissioner may grant reasonable extensions of time upon a showing that the extensions are necessary by reason of litigation precluding commencement of operations or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee.

(2) In the case of a coal lease issued under the federal Mineral Leasing Act (30 U.S.C. § 181 et seq.), extensions of time may not extend beyond the period allowed for diligent development in accordance with 30 U.S.C. § 207.

(3) In the case of coal to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at the time that the construction of the synthetic fuel or generating facility is initiated.

(h)(1) Any valid permit issued pursuant to this part carries with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holder of the permit may apply for renewal, and a renewal shall be issued subsequent to fulfillment of the public notice requirements of this section. In the determination of whether to approve or deny a renewal of a permit, the burden of proof is on the opponents of renewal. The commissioner shall grant a permit renewal, unless the commissioner makes written findings that:

(A) The terms and conditions of the existing permit are not being satisfactorily met;

(B) The present surface coal mining and reclamation operation is not in compliance with this part or rules or orders issued or promulgated by the commissioner pursuant to this part, including the environmental protection standards of this part and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.);

(C) The renewal requested substantially jeopardizes the permittee's continuing responsibility on existing permit areas;

(D) The operator has not provided evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested in the application, as well as any additional bond the commissioner might require under § 59-8-108; or

(E) Any additional revised or updated information required by the commissioner has not been provided.

(2) Prior to the approval of any permit renewal, the commissioner shall provide notice to the appropriate public authorities.

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(3) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit that addresses any new land areas is subject to the full standards applicable to new applications under this part.

(4) The term of a permit renewal shall not exceed the term of the original permit. Application for permit renewal shall be made at least one hundred twenty (120) days prior to the expiration of the current permit.

(i) On or after the effective date of this act, and subject to valid existing rights, no surface coal mining and reclamation operations, except those which existed on August 3, 1977, are permitted:

(1) On any lands within the boundaries of units of the national park system, the national wildlife refuge systems, the national system of trails, the national wilderness preservation system, the wild and scenic rivers system, including study rivers designated under 16 U.S.C. § 1276(a), and national recreation areas designated by an act of congress;

(2) On any federal lands within the boundaries of any national forest; however, surface coal mining and reclamation operations may be permitted if the secretary finds that there are no significant recreational, timber, economic, or other values that may be incompatible with surface coal mining and reclamation operations, and the surface operations and impacts are incident to an underground coal mine;

(3) Which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved jointly by the commissioner and the federal, state, or local agency with jurisdiction over the park or the historic site;

(4) Within one hundred feet (100') of the outside right-of-way line of any public road, except where mine access roads or haulage roads join a right-of-way line; however, the commissioner may permit the roads to be relocated or the area affected to lie within one hundred feet (100') of a road, if, after public notice and opportunity for public hearing in the locality, a written finding is made that the interests of the public and the affected landowners are protected;

(5) Within three hundred feet (300') from any occupied dwelling, unless waived by the owner, nor within three hundred feet (300') of any public building, school, church, community, institutional building, or public park; or

(6) Within one hundred feet (100') of a cemetery.

(j) The permit area shall be readily identifiable by appropriate markers on the site.

59-8-113.

(a)(1) During the term of the permit, the permittee may submit to the commissioner an application for a revision of the permit, together with a revised reclamation plan. The commissioner may also require

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the revision of a permit or a mining or reclamation plan if the present plan is inadequate to protect the public and the environment consistent with this part subject to the requirements of subdivision (a)(2).

(2) The commissioner shall not approve an application for a revision of a permit unless the commissioner finds that the revision meets all the standards of this part and the commissioner's rules including that reclamation as required by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and this part can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the commissioner. The commissioner shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, apply. Any revisions that propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this part shall be made without the commissioner's written approval.

(c) In addition to any other review required by federal law or regulations, the commissioner shall, within a time limit prescribed in rules promulgated by the commissioner, review outstanding surface coal mining and reclamation operation permits. The commissioner may require reasonable revision or modification of the permit provisions during the term of the permit; provided, that the revision or modification is based upon a written finding and subject to notice and hearing requirements established by the commissioner.

59-8-114.

(a) The commissioner shall make inspections of any surface coal mining and reclamation operation that are necessary to determine whether the operation is in compliance with this part, and all rules promulgated and permits issued pursuant to this part, and has a right of entry to, upon, or through any surface coal mining and reclamation operation in order to conduct the inspections.

(b) For the purposes of administering and enforcing any permit under this part, adequately developing a regulatory program, or determining whether any person is in violation of any requirement of this part or any other requirement of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.):

(1) The commissioner shall require any permittee to:

- (A) Establish and maintain appropriate records;
- (B) Make monthly reports to the commissioner;

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(C) Install, use, and maintain any necessary monitoring equipment or methods;

(D) Evaluate results in accordance with the methods, at such locations, intervals, and manner that the commissioner prescribes; and

(E) Provide other information relative to surface coal mining and reclamation operations that the commissioner deems reasonable and necessary.

(2) For surface coal mining and reclamation operations that remove or disturb strata serving as aquifers, which significantly ensure the hydrologic balance of water use, either on or off the mining site, the commissioner shall specify those:

(A) Monitoring sites to record the quantity and quality of surface drainage above and below the mine site as well as in the potential zone of influence;

(B) Monitoring sites to record level, amount, and samples of groundwater and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) Records of well logs and borehole data to be maintained; and

(D) Monitoring sites to record precipitation.

(c) The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the commissioner to assure their reliability and validity.

(d) The authorized representatives of the commissioner, without advance notice, and upon presentation of appropriate credentials:

(1) Have the right of entry to, upon, or through any surface coal mining and reclamation operation or any premises in which any records required to be maintained under subsection (b) are located; and

(2) May, at reasonable times, and without delay, have access to and copy any records and inspect any monitoring equipment or method of operation required under this part.

(e) The commissioner's inspections shall:

(1) Occur on an irregular basis, averaging not less than one (1) partial inspection per month and one (1) complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit;

(2) Occur without prior notice to the permittee or the permittee's agents or employees, except as necessary for on-site meetings with the permittee; and

(3) Include the filing of inspection reports adequate to enforce the requirements of, and to carry out the terms and purposes of, this part.

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(f) Each permittee shall conspicuously maintain at the entrances to each surface coal mining and reclamation operation, a clearly visible sign that states the name, business address, and telephone number of the permittee and the permit number of the surface coal mining and reclamation operation.

(g) If an inspector detects a violation of this part, the inspector shall immediately inform the operator in writing and make a written report of the violation to the commissioner.

(h) The commissioner shall make copies of any records, reports, inspection materials, or information obtained under this part immediately available to the public at central and sufficient locations in the county, multicounty, and state area of mining so that they are conveniently available to residents in the areas of mining.

(i)(1) Any person who is or may be adversely affected by a surface mining operation may notify the commissioner or any representative of the commissioner responsible for conducting the inspection, in writing, of any violation of this part which the person has reason to believe exists at the surface mining site. The commissioner shall, by rule, establish procedures for informal review of any refusal by a representative of the commissioner to issue a citation with respect to any such alleged violation. The commissioner shall furnish such persons requesting the review a written statement of the reasons for the commissioner's final disposition of the case.

(2) The commissioner shall also, by rule, establish procedures to ensure that adequate and complete inspections are made. Any such person may notify the commissioner of any failure to make such inspections, after which the commissioner shall determine whether adequate and complete inspections have been made. The commissioner shall furnish such persons a written statement of the reasons for the commissioner's determination that adequate and complete inspections have or have not been conducted.

59-8-115.

(a) A permittee may file with the commissioner a request for the release of all or part of a performance bond or deposit.

(b)(1) Within thirty (30) days after an application for bond or deposit release has been initiated and filed with the commissioner, the permittee shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement is considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit number and the date that the permit was approved, the amount of the bond filed and the portion of the bond sought to be released, the type and appropriate dates of reclamation work performed, and a description of the results achieved as the results relate to the operator's approved plan.

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(2) In addition, as part of any bond release application, the bond release applicant shall submit copies of letters that the bond release applicant has sent to adjoining landowners, local government bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of the bond release applicant's intention to seek release from the bond.

(c) Upon receipt of any notification and request under this section, the commissioner shall, within thirty (30) days, inspect and evaluate the reclamation work involved. The evaluation shall consider, but not be limited to, the degree of difficulty to complete any remaining reclamation, whether pollution of surface or subsurface water is occurring, the probability of continuation of the pollution, and the estimated cost of abating the pollution. The commissioner shall notify the permittee in writing of the commissioner's decision to release or not to release all or part of the performance bond or deposit within sixty (60) days from the filing of the request, if no public hearing is held pursuant to subsection (h), and if a public hearing is held pursuant to subsection (h), within thirty (30) days after the hearing date.

(d) The commissioner may release all or part of the bond or deposit when the commissioner is satisfied that the reclamation covered by the bond or deposit, or portion of the bond or deposit, has been accomplished as required by this part according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with the operator's approved reclamation plan up to sixty percent (60%) of the bond or deposit for the applicable permit area may be released but the amount of the unreleased portion of the bond or deposit shall not be less than the amount necessary to assure completion of the reclamation work by a third party in the event of default by the operator;

(2) After revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, the commissioner, when determining the amount of bond to be released after successful revegetation has been established, shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in § 59-8-110 of reestablishing revegetation. No part of the bond or deposit shall be released under this subdivision (d)(2) so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by § 59-8-110(b)(10), or until soil productivity for prime farmlands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to § 59-8-106. Where an impoundment, including but not limited to a silt dam, is to be retained permanently pursuant to § 59-8-110(b)(8), the portion of bond

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may be released under this subdivision (d)(2) so long as provisions for sound future maintenance by the operator or the landowner have been made with the commissioner;

(3) When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond or other collateral may be released, but not before the expiration of the period specified for operator responsibility in § 59-8-110. No bond shall be fully released until all reclamation requirements of this part are fully met.

(e) The permittee shall not be denied access to the mining site for the purposes of completing or maintaining reclamation work because of the expiration of the permittee's lease, until the permittee's entire performance bond has been released.

(f) If the commissioner disapproves the application for release of all or part of the bond, the commissioner shall notify the permittee in writing, stating the reasons for disapproval and recommending specific corrective actions necessary to secure the release, and allowing opportunity for a public hearing.

(g) When any application for total or partial bond release is filed with the commissioner, the commissioner shall notify the municipality in which the surface coal mining and reclamation operation is located by certified mail at least thirty (30) days prior to the release of all or a portion of the bond.

(h) Any person with a valid legal interest, which might be adversely affected by release of all or a portion of the bond, or the responsible officer or head of any federal, state, or local governmental agency that has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation, or is authorized to develop and enforce environmental standards with respect to such operations, has the right to file written objections to the proposed release from bond or deposit to the commissioner within thirty (30) days after the last publication of the newspaper notice provided for in subsection (b). If one (1) or more written objections to a release of bond or deposit is filed, and a hearing requested, the commissioner shall inform all the interested parties of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release, or at the state capital, at the option of the objector, within thirty (30) days of the request for a hearing. The commissioner shall advertise the date, time, and location of the public hearing in a newspaper of general circulation in the locality for two (2) consecutive weeks.

(i) Without prejudice to the rights of the objectors or the bond release applicant, or the responsibilities of the commissioner, the commissioner may convene an informal conference as provided for in § 59-8-112 to resolve written objections.

(j) For the purpose of the hearing, the commissioner is authorized to administer oaths, subpoena witnesses or written or printed

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materials, compel the attendance of witnesses or production of the materials, and take evidence, including, but not limited to, inspections of the land affected and other surface coal mining operations carried on by the bond release applicant in the general vicinity. A verbatim record of each public hearing required by this part shall be made, and a transcript made available on the motion of any party or by order of the commissioner.

(k) The bond release applicant or a person with a valid legal interest, which might be adversely affected by release of all or a portion of the bond, aggrieved by a determination of the commissioner under this section may petition the commissioner for a hearing. The hearing shall be conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply.

59-8-116.

(a) When, on the basis of any information available, including receipt of information from any person, the commissioner has reason to believe that any person is in violation of this part, any rule or order issued or promulgated under this part or any condition of a permit required by this part, the commissioner shall immediately order inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available is a result of a previous inspection of the surface coal mining operation. When the inspection results from information provided to the commissioner by any person who is not an employee of the department, the commissioner shall notify the person when the inspection is proposed to be carried out and the person shall be allowed to accompany the inspector during the inspection.

(b)(1) If, on the basis of an inspection, the commissioner determines that any permittee is in violation of this part, any rule promulgated under this part, or any permit condition required by this part, but that violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant imminent environmental harm to land, air, or water resources, the commissioner shall issue a notice of violation to the permittee fixing a reasonable time, but not more than ninety (90) days, for the abatement of the violation, and if deemed necessary by the commissioner, ordering an immediate cessation of activities violating or resulting in the violation of this part, the rules promulgated under this part, or any condition of a permit.

(2) The commissioner may promulgate rules that allow for reasonable extensions for abatement or for accomplishment of an interim step in the manner provided by regulations promulgated by the secretary; however, when the abatement time permitted is in excess of

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ninety (90) days, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(3)(A) If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the commissioner, the commissioner finds that the violation has not been abated, the commissioner shall immediately order a cessation of surface coal mining and reclamation operations or the portion of the operations relevant to the violation.

(B) A cessation order remains in effect until the commissioner determines that the violation has been abated, or until modified, vacated, or terminated by the commissioner under subsection (d).

(C) In the cessation order issued under this subsection (b), the commissioner shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the cessation order.

(c)(1) If, on the basis of any inspection, the commissioner determines that any condition or practice exists, or that any permittee is in violation of this part, any rule promulgated under this part, or any permit condition required by this part, which condition, practice, or violation also creates an imminent danger to the health and safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the commissioner shall immediately order a cessation of surface coal mining and reclamation operations or the portion of the operations relevant to the condition, practice, or violation. The cessation order shall remain in effect until the commissioner determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the commissioner under subsection (d). If the commissioner finds that the ordered cessation of surface coal mining and reclamation operations, or any portion of operations, will not completely abate the imminent danger to the health and safety of the public or the significant, imminent environmental harm to land, air, or water resources, then the commissioner shall, in addition to the cessation order, impose affirmative obligations on the operator requiring the operator, to take whatever steps the commissioner deems necessary to abate the imminent danger or the significant environmental harm.

(2) The commissioner shall also issue an immediate cessation order to any operator mining without a valid permit or mining an area not covered by a valid permit.

(d)(1) When, based upon an inspection, the commissioner finds that a pattern of violations of this part, rules promulgated pursuant to this part, or any permit conditions required by this part exists or has existed, and if the commissioner also finds that such violations are caused by an unwarranted failure of the permittee to comply with this part, rules promulgated pursuant to this part, or any condition of

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a permit, or that such violations are willfully caused by the permittee, the commissioner shall issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide an opportunity for a public hearing. If permittee fails to show cause as to why the permit should not be suspended or revoked, the commissioner shall suspend or revoke the permit. If the permittee files an answer to the show cause order and requests a hearing, the commissioner shall inform all interested parties of the time, place, and date of the hearing. A written or electronic record shall be kept of any show cause hearing by the commissioner and the hearing shall be conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply. Within sixty (60) days following a show cause hearing, the commissioner shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the commissioner's findings, concerning suspension or revocation of the permit.

(2) If the permit is revoked, then mining shall immediately cease and reclamation shall be completed within a period specified by the commissioner, or the commissioner shall declare as forfeited the performance bonds for the operation.

(e)(1) Notices and orders issued pursuant to this section shall set forth with reasonable specificity:

(A) The nature of the violation;

(B) The remedial action required;

(C) The period of time established for abatement; and

(D) A reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies.

(2) The commissioner shall promptly deliver each notice or order issued under this section to the permittee or the permittee's agent.

(3) All notices and orders shall be in writing and shall be signed by the commissioner.

(4) The commissioner may modify, vacate, or terminate any notice or order issued pursuant to this section.

(5) Any notice or order issued pursuant to this section, which requires cessation of active mining, expires within thirty (30) days of actual notice to the operator unless a public hearing is held at the site or within a reasonable proximity to the site where any viewings of the site can be conducted during the course of the public hearing; however, the notice or order shall not expire if the operator waives the hearing. The granting or waiver of a public hearing held under this subdivision

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(e)(5) does not affect the right of any person to formal review under subsection (d), § 59-8-117, or § 59-8-120.

(f) Nothing in this section eliminates any additional enforcement rights or procedures that are available under state law to a state agency but are not specifically enumerated in this section.

59-8-117.

(a) Any permittee who violates this part, rules promulgated pursuant to this part, or any permit condition required by this part, may be assessed a civil penalty by the commissioner, except that if the violation leads to the issuance of a cessation order, a civil penalty shall be assessed. A civil penalty assessed under this subsection (a) shall not exceed five thousand dollars (\$5,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of assessing a civil penalty. In determining the amount of the penalty, the commissioner shall consider the history of previous violations by the permittee at the particular surface coal mining operation; the seriousness of the violation, including any irreparable harm to the environment and any danger to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b)(1) A civil penalty shall be assessed by the commissioner only after the person charged with a violation described under subsection (a) has been given notice and an opportunity for a public hearing before the commissioner, unless the public hearing is expressly waived by the person charged.

(2) When a public hearing has been held, the commissioner shall make findings of fact, and the commissioner shall issue a written decision as to the occurrence of the violation and the amount of the penalty that is warranted, incorporating, when appropriate, an order requiring that the penalty be paid.

(3) When appropriate, a public hearing held pursuant to this section shall be consolidated with other proceedings under § 59-8-116. Any hearing under this subsection (b) shall be of record and conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply.

(4) If the person charged with a violation waives the public hearing, then the commissioner shall issue an order requiring that the penalty be paid after determining that a violation did occur and the amount of the penalty which is warranted.

(c) Within thirty (30) days of issuing a notice or order, the commissioner shall inform the person charged with the penalty of the proposed amount of the penalty. The person charged with the penalty

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shall then have thirty (30) days to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the commissioner for placement in an escrow account. If, through administrative or judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty should be reduced, the commissioner shall, within thirty (30) days of the determination, remit the applicable escrowed amount to the person with interest at the rate of six percent (6%) per annum, or at the prevailing department of treasury rate, whichever is greater. Failure to forward the money to the commissioner within thirty (30) days results in a waiver of all legal rights to contest the violation or the amount of the penalty.

(d) The commissioner, through the attorney general and reporter, may institute proceedings in the name of the department for the recovery of any assessment or penalty made under this part in any appropriate court. All sums recovered shall be placed in the state treasury and credited to the coal mining protection fund, created by § 59-8-132.

(e) Any person who willfully and knowingly violates this part, rules promulgated pursuant to this part, or any condition of a permit or order issued pursuant to this part, except an order incorporated in a decision issued under subsection (b) or § 59-8-131, commits a Class E felony and, upon conviction, shall be punished by a fine of not more than ten thousand dollars (\$10,000), or incarceration, or both.

(f) Any person who knowingly makes any false statement, representation, or certification, or who knowingly fails to make any statement, representation, or certification, in any application, record, report, plan, or document filed or required to be maintained by this part, rules promulgated under this part, or any permit, order, or decision issued by the commissioner, commits a Class E felony and, upon conviction, shall be punished by a fine of not more than ten thousand dollars (\$10,000), or incarceration, or both.

(g) Any person who knowingly violates the conflict of interest provisions of § 59-8-127 commits a Class E felony and, upon conviction, shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500), or incarceration, or both.

(h) Any person who knowingly engages in surface coal mining and reclamation operations without first obtaining a permit for the mine from the commissioner, commits a Class E felony, and upon conviction, shall be punished by a fine of not more than ten thousand dollars (\$10,000), or incarceration, or both.

(i) Any person who, except as permitted by law, willfully resists, prevents, impedes, or interferes with the commissioner or the commissioner's agents from performing the commissioner's or agent's duty under this part commits a Class E felony, and upon conviction, shall be punished by a fine of not more than ten thousand dollars (\$10,000), or incarceration, or both.

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(j) Whenever a corporate permittee commits the violations enumerated in subsections (a) and (e), any director, officer, or agent of the corporation who willfully and knowingly authorized, ordered, or carried out the violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed under subsections (a) and (e). The commissioner shall promulgate rules establishing the procedure provided by 30 CFR part 846 for assessing individual civil penalties under this subsection (j).

(k)(1) The period for correcting a violation for which a citation has been issued under § 59-8-116 does not end until:

(A) The entry of a final order by the commissioner, in the case of any review proceedings under § 59-8-120 initiated by the person wherein the commissioner orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the person will suffer irreparable loss or damage from the application of those requirements; or

(B) The entry of an order of the court, in the case of any review proceedings under § 59-8-121 initiated by the person wherein the court orders the suspension of the abatement requirements of the citation.

(2) Any person who fails to correct a violation for which a citation has been issued under § 59-8-116 within the period permitted for its correction shall be assessed a civil penalty of not less than seven hundred fifty dollars (\$750) for each day during which the failure to correct or violation continues.

(l) Nothing in this section eliminates any additional enforcement right or procedures which are available under state law to a state agency but are not specifically enumerated in this section.

59-8-118.

(a) The commissioner may request the attorney general and reporter to institute a civil action for relief against any permittee including a permanent or temporary injunction, restraining order, or any other appropriate order, and venue and jurisdiction for the action shall be in the chancery court in the county where the surface mining operation is located or in which the permittee has its principal office, whenever the permittee or the permittee's agent:

(1) Violates or fails or refuses to comply with any order or decision issued by the commissioner under this part;

(2) Interferes with, hinders, or delays the commissioner in carrying out the provisions of this part;

(3) Refuses to admit the commissioner to a surface coal mining and reclamation operation;

(4) Refuses to permit inspection of a surface coal mining and reclamation operation by the commissioner;

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(5) Refuses to furnish any information or report requested by the commissioner in furtherance of this part;

(6) Refuses to permit access to, and copying of, records that the commissioner determines to be necessary in carrying out this part; or

(7) Violates or threatens to violate any other provision of this part, the rules promulgated pursuant to this part, or conditions of a permit issued pursuant to this part.

(b) The court has jurisdiction to provide any relief as may be appropriate. Any relief granted by the court to enforce an order under this subsection (b) shall continue in effect until the completion or final termination of all proceedings for review of that order under this part unless, before that time, the court granting the relief sets it aside or modifies it.

(c) Nothing in this section eliminates any additional enforcement rights or procedures that are available under state law to a state agency, but are not specifically enumerated in this section.

59-8-119.

(a) Except as provided in subsections (b) and (c), any person having an interest that is or may be adversely affected may commence a civil action to compel compliance with this part:

(1) Against the state or any other governmental instrumentality or agency, which is alleged to be in violation of this part, or any rule promulgated under this part, or order or permit issued pursuant to this part, or against any other person who is alleged to be in violation of this part, or any rule promulgated under this part, or order or permit issued pursuant to this part; or

(2) Against the commissioner when the commissioner is alleged to have failed to perform any act or duty under this part that is not discretionary with the commissioner.

(b) No action may be commenced under subdivision (a)(1):

(1) Until sixty (60) days after the plaintiff has provided written notice of the violation to the secretary, the commissioner, and any alleged violator; or

(2) If the commissioner or the state has commenced and is diligently prosecuting a civil action in a court of this state or the United States to require compliance with this part, or any rule promulgated under this part, or order or permit issued pursuant to this part, but in any such action any person may intervene as a matter of right.

(c) No action may be commenced under subdivision (a)(2) until sixty (60) days after the plaintiff has provided written notice of the violation to the commissioner, in the manner that the commissioner requires by rule, except that an action may be brought immediately after notice of the violation is provided to the commissioner, if the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

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(d)(1) Any action brought under this section respecting a violation of this part or the rules promulgated thereunder may be brought only in the chancery court of the county in which the greater part of the surface coal mining and reclamation operation complained of is located.

(2) The commissioner, if not a party, may intervene in any civil action brought under this section as a matter of right.

(e) The court, in issuing any final order in any action brought under subsection (a), may award costs of litigation, including reasonable attorney fees and expert witness fees, to any party, whenever the court determines the award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Tennessee Rules of Civil Procedure.

(f) Nothing in this section restricts any right that any person, or class of persons, may have under any statute or common law to seek enforcement of this part and the rules issued pursuant to it, or to seek any other relief, including relief against the commissioner.

(g) Any person who incurs a personal injury or property damage due to an operator's violation of any rule, order, or permit issued pursuant to this part may bring an action for damages against the operator including reasonable attorney and expert witness fees, in the chancery court of the county in which the surface coal mining and reclamation operation complained of is located. Nothing in this subsection (g) affects the rights established by, or limits imposed under, the Workers' Compensation Law, compiled in title 50, chapter 6.

59-8-120.

(a)(1)(A) A permittee issued a notice or order by the commissioner pursuant to § 59-8-116(b) or § 59-8-116(c), or any person having an interest that is or may be adversely affected by the notice or order or by any modification, vacation, or termination of the notice or order, may apply to the commissioner for review of the notice or order within thirty (30) days of receipt of the order or within thirty (30) days of its modification, vacation, or termination; provided, however, that any person not served with a copy of the document shall file the application for review within forty (40) days of the date of issuance of the document.

(B) Upon receipt of such application, the commissioner shall cause such investigation to be made as the commissioner deems appropriate. The investigation shall provide an opportunity for a public hearing, at the request of the permittee or the person having an interest that is or may be adversely affected, to enable the permittee or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof.

(C) The filing of an application for review under this subsection (a) does not operate as a stay of any order or notice.

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(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five (5) days prior to the hearing. Any such hearing shall be conducted as a contested case under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply.

(b)(1) Upon completion of the investigation, the commissioner shall make findings of fact, and shall issue a written decision, incorporating an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate the commissioner's findings in the order.

(2) Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to § 59-8-116(b) or § 59-8-116(c), the commissioner shall issue the written decision within thirty (30) days of the receipt of the application for review, unless temporary relief has been granted by the commissioner pursuant to subsection (c) or by a court pursuant to § 59-8-121(c).

(c) Pending completion of the investigation and hearing required by this section, the applicant for review may file with the commissioner a written request that the commissioner grant temporary relief from any notice or order, together with a detailed statement giving reasons for requesting the relief. The commissioner shall issue an order or decision granting or denying the relief expeditiously; provided, that, if the applicant for review requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to § 59-8-116(b) or § 59-8-116(c), the order or decision on such a request shall be issued within five (5) days of its receipt. The commissioner may grant the relief requested, under the conditions the commissioner prescribes, if:

(1) All parties to the proceeding have been notified and an informal hearing has been held in the locality of the surface coal mining and reclamation operation on the request for temporary relief in which all parties were given an opportunity to be heard;

(2) The applicant for review shows that there is a substantial likelihood that the final decision of the commissioner in the hearing will be favorable to the applicant for review; and

(3) The relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

(d) Whenever an order is issued under this section, or as a result of any administrative proceeding under this part, at the request of any person, a sum equal to the aggregate amount of all costs and expenses, including attorney fees, as determined by the court or the commissioner

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to have been reasonably incurred by the person for, or in connection with, the person's participation in the proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review, or the commissioner, deems proper.

59-8-121.

(a)(1) Any final order or determination by the commissioner in a contested case proceeding under this part, including a civil penalty proceeding, or as otherwise provided in this part, is subject to judicial review on or before thirty (30) days from the date of such order or decision, and venue and jurisdiction for such action shall be in Davidson County chancery court or the chancery court in the county where the surface mining operation is located. In the case of a proceeding to review an order or decision issued by the commissioner under § 59-8-117, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment.

(2) The court shall hear such petition or complaint solely on the record made before the commissioner. The findings of the commissioner, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the commissioner for such further action as it may direct.

(b) In the case of a proceeding to review any order or decision issued by the commissioner under this part, including an order or decision pertaining to any order for cessation of surface coal mining and reclamation operations, the court may, under such conditions as it may prescribe, grant any temporary relief that it deems appropriate pending a final determination of the proceedings if:

(1) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting relief shows that there is a substantial likelihood that that person will prevail on the merits of the final determination of the proceeding; and

(3) The relief requested will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air, or water resources.

(c) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the commissioner.

(d) Except as provided in § 59-8-119, the availability of judicial review under this section shall not limit any rights established under § 59-8-119.

59-8-122.

(a) Nothing in this part affects the right of any person to enforce or protect, under applicable law, that person's interest in water resources affected by a mining operation.

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(b) The permittee or operator of a surface coal mine shall replace the water supply of an owner of an interest in real property who obtains all or part of that owner's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source when the water supply has been affected by contamination, diminution, or interruption proximately resulting from the surface coal mine operation.

(c)(1) Underground coal mining operations conducted in this state after October 24, 1992, shall:

(A) Promptly repair, or compensate for, material damage resulting from subsidence caused to any occupied residential dwelling and structures related thereto, or noncommercial building due to underground coal mining operations. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged occupied residential dwelling and structures related thereto, or noncommercial building. Compensation shall be provided to the owner of the damaged occupied residential dwelling and structures related thereto, or noncommercial building and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancelable premium-prepaid insurance policy; and

(B) Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation permit that has been affected by contamination, diminution, or interruption resulting from underground coal mining operations.

(2) Nothing in this subsection (c) prohibits or interrupts underground coal mining operations.

59-8-123.

(a) In order to encourage advances in surface coal mining and reclamation practices, or to allow post-mining land use for industrial, commercial, residential, or public use, including recreational facilities, the commissioner, with the approval of the secretary, may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under this part.

(b) The departures may be authorized if:

(1) The experimental practices are potentially more environmentally protective, or at least as protective, during and after mining operations, as those required by promulgated standards;

(2) The mining operations approved for a particular land use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and

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(3) The experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

59-8-124.

Nothing in this part limits or invalidates § 66-5-102.

59-8-125.

(a)(1) The commissioner shall establish a planning process enabling objective decisions to be made based upon competent and scientifically sound data and information as to which, if any, land areas of this state are unsuitable for all or certain types of surface coal mining and reclamation operations pursuant to the standards set forth in this section, but that designation shall not prevent the mineral exploration of any designated area.

(2) Upon petition pursuant to subsection (b), the commissioner shall designate an area as unsuitable for all or certain types of surface coal mining and reclamation operations if the commissioner determines that reclamation pursuant to the requirements of this part is not technologically and economically feasible.

(3) Upon petition pursuant to subsection (b), an area may be designated unsuitable for certain types of surface coal mining and reclamation operations if such operations:

(A) Are incompatible with existing state or local land use plans or programs;

(B) Affect fragile or historic lands in a way that could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems;

(C) Affect renewable resource lands, including, but not limited to, aquifers and aquifer recharge areas, in a way that could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products; or

(D) Affect natural hazard lands, including, but not limited to, areas subject to frequent flooding and areas of unstable geology, in a way that could substantially endanger life and property.

(4) The department shall be responsible for surface coal mining lands review and shall assist the commissioner in developing a process that includes:

(A) A database and inventory system that permits proper evaluation of the capacity of different land areas of this state to support and permit reclamation of surface coal mining and reclamation operations;

(B) A method or methods for implementing land use planning decisions concerning surface coal mining and reclamation operations; and

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(C) Proper notice and opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.

(5) Determinations of the unsuitability of land for surface coal mining and reclamation operations shall be integrated as closely as possible with present and future land use planning and regulation processes at the federal, state, and local levels.

(6) This section does not apply to lands on which surface coal mining operations are being conducted on August 3, 1977, or under a permit issued pursuant to this part, or where substantial legal and financial commitments in the operation were in existence prior to January 4, 1977.

(b) Any person having an interest that is or may be adversely affected shall have the right to petition the commissioner to have an area designated as unsuitable for surface coal mining and reclamation operations, or to have an existing designation terminated. A petition filed pursuant to this subsection (b) must contain allegations of facts with supporting evidence that tends to establish the allegations. Within ten (10) months after receipt of the petition, the commissioner shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a petition has been filed, but before the hearing on it, any person may intervene by filing allegations of facts with supporting evidence that would tend to establish the allegations. In the event that all of the petitioners stipulate agreement prior to the requested hearing, and withdraw their requests, the hearing need not be held.

(c) Prior to designating any land areas as unsuitable for surface coal mining and reclamation operations, the commissioner shall prepare a detailed statement on:

- (1) The potential coal resources of the area;
- (2) The demand for coal resources; and
- (3) The impact of the designation on the environment, the economy, and the supply of coal.

(d) In reaching a decision on whether to designate any land areas as unsuitable for surface coal mining and reclamation operations, the commissioner shall use:

- (1) The information contained in the database, records, and inventory system;
- (2) Any information that was provided by other governmental agencies or the public; and
- (3) The information contained in the detailed statement provided in subsection (c).

(e) The commissioner shall issue a final written decision, including a statement of findings, within sixty (60) days of the completion of

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the public hearing, or if no public hearing is held, within twelve (12) months of receipt of the complete petition. The commissioner shall simultaneously notify the petitioner, other parties to the hearing, and the regional director of the office of surface mining, of the decision by certified mail.

(f) The decision of the commissioner with respect to a petition, or the failure of the commissioner to act within the time limits set forth in this section shall be subject to judicial review in the same manner as provided for orders or determinations of the commissioner under § 59-8-121. All relevant portions of the information used in subsection (c) shall be considered and included in the record of the administrative proceeding.

59-8-126.

The commissioner shall promulgate rules to require the training, examination, and certification of persons engaging in, or directly responsible for, blasting or use of explosives in surface coal mining operations.

59-8-127.

No employee of the department performing any function or duty under this part shall have a direct or indirect financial interest in any underground coal mining operation or surface coal mining and reclamation operation. The commissioner shall promulgate rules to establish methods by which this section shall be monitored and enforced, including appropriate provisions for the filing by any employees and the review of statements and supplements to such statements concerning any financial interest which may be affected by this section.

59-8-128.

(a) This part does not operate to repeal, supersede, amend, or modify any of the laws of this state relating to the pollution of the air or waters, or any environment and conservation or mining laws, or any rules promulgated pursuant to such laws, but shall be held and construed as ancillary and supplemental thereto. Such laws include, but are not limited to:

(1) The Tennessee Air Quality Act, compiled in §§ 68-201-101 – 68-201-121;

(2) The Tennessee Solid Waste Disposal Act, compiled in §§ 68-211-101 – 68-211-124;

(3) The Water Quality Control Act of 1977, compiled in §§ 69-3-101 – 69-3-148; and

(4) Chapters 1 and 4 of this title.

(b) Nothing in this part affects the authority of any agency of this state under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on land under their jurisdiction.

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59-8-129.

(a) Except as provided in subsection (b), irrespective of the date of issuance of a permit, all permittees shall immediately conform to any statutes enacted relative to surface coal mining and reclamation operations in this state, or rules adopted pursuant to those statutes, on the effective date of such statutes and rules.

(b) Permits issued pursuant to the federal program shall be valid under this part; provided, the federal permittee shall have the right to apply for a permit under this part to supersede the permit issued pursuant to the federal program. The commissioner may review such permits to determine that the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) and this part and rules promulgated pursuant to this part are not violated. Should this part or rules promulgated pursuant to this part contain additional requirements not contained in the federal program, the permittee will be provided opportunity for hearing and a reasonable time, within a time limit prescribed in rules promulgated by the commissioner, to conform ongoing surface mining and reclamation operations to the additional state requirements.

59-8-130.

Any agency, unit, or instrumentality of state, federal, or local government, including any publicly owned utility or publicly owned corporation of state, federal, or local government, that proposes to engage in exploration or mining operations that are subject to this part, shall comply with this part.

59-8-131.

(a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this part or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this part.

(b)(1) Any employee or a representative of employees who believes that the employee has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty (30) days after such alleged violation occurs, apply to the commissioner for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent.

(2) Upon receipt of such application, the commissioner shall cause such investigation to be made as the commissioner deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing

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at least five (5) days prior to the hearing. Any such hearing shall be a contested case conducted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except to the extent that this part or rules promulgated by the commissioner pursuant to this part are inconsistent, in which case this part or the rules promulgated by the commissioner apply.

(3) Upon receiving the report of such investigation, the commissioner shall make findings of fact. If the commissioner finds that a violation did occur, the commissioner shall issue a decision incorporating the commissioner's findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the commissioner deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to such person's former position with compensation. If the commissioner finds that there was no violation, the commissioner shall issue a finding.

(4) Orders issued by the commissioner under this subsection (b) shall be subject to judicial review in the same manner as provided for orders or determinations of the commissioner under § 59-8-121.

(c) Whenever an order is issued under this section to abate any violation, at the request of the employee or representative applicant a sum equal to the aggregate amount of all costs and expenses, including attorney fees, to have been reasonably incurred by the employee or representative applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

59-8-132.

(a) There is created a segregated account within the state treasury to be known as the "coal mining protection fund."

(b) The fund shall be administered by the commissioner. Unless otherwise provided by this part, all fees, penalties, bond forfeitures and damages collected by the commissioner pursuant to this part and monies received as provided in § 67-7-110, shall be deposited by the state treasurer into the coal mining protection fund, created in subsection (a), and shall be used by the commissioner to defray expenses necessary to administer this part including administration and enforcement of the requirements of this part; provided, however, that:

(1) Penalties shall be segregated in a separate account in the fund to be expended by the commissioner primarily for activities supporting the reclamation of land and water adversely affected by surface coal mining and exploration activities after August 3, 1977, and for conducting and obtaining investigations, research, experiments, training programs, and demonstrations; and collecting and disseminating information relating to exploration, surface mining, reclamation of disturbed lands, and control of pollution of water and soil affected by exploration and surface mining for coal; and

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(2) Bond forfeitures shall be segregated in a separate account in the fund and shall be available to the commissioner for expenditure for the reclamation of land and water adversely affected by surface coal mining and exploration activities after August 3, 1977; provided, that the proceeds from the forfeiture of any bond shall first be used to the extent required in completing reclamation of the area with respect to which the bond was posted.

(c) Moneys in the fund shall be invested by the state treasurer for the benefit of the fund pursuant to § 9-4-603. Unexpended and unobligated funds remaining in the fund at the end of any fiscal year shall not revert to the general fund but shall remain available for the purposes set forth in this part. Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

[59-8-302]

SECTION 4. Tennessee Code Annotated, Section 59-8-302(e), is amended by deleting the language "TENNESSEE COAL SURFACE MINING LAW OF 1980" and substituting instead the language "TITLE 59, CHAPTER 8, PART 3".

[59-8-302]

SECTION 5. Tennessee Code Annotated, Section 59-8-302(e), is amended by designating the first sentence as subdivision (1) and the second sentence beginning with the language "The register of deeds" as subdivision (2).

[59-8-304]

SECTION 6. Tennessee Code Annotated, Section 59-8-304, is amended by deleting the language "in §§ 59-8-304 — 59-8-309" and substituting instead the language "in this part".

[59-8-304]

SECTION 7. Tennessee Code Annotated, Section 59-8-304, is amended by deleting subdivisions (1) and (4) in their entirety.

[59-8-305; 59-8-307]

SECTION 8. Tennessee Code Annotated, Title 59, Chapter 8, Part 3, is amended by deleting §§ 59-8-305(a)(1) and 59-8-307 in their entirety.

[59-8-308]

SECTION 9. Tennessee Code Annotated, Section 59-8-308, is amended by deleting the section in its entirety and substituting instead the following:

59-8-308.

The commissioner has the authority to:

PUBLIC CHAPTER NO. 548 (cont'd)

(1) Employ and commission qualified persons as provided in § 11-1-101; and

(2) Make such investigations or inspections as are necessary to ensure compliance with any provisions of this part, including the right to enter at any time upon a suspected affected area or affected area for such purposes and the right of ingress and egress across intervening properties.

[T. 59, ch. 8, part 4; 59-8-401; 59-8-402; 59-8-403; 59-8-404; 59-8-405; 59-8-406; 59-8-407; 59-8-408; 59-8-409; 59-8-410; 59-8-411; 59-8-412; 59-8-413; 59-8-414; 59-8-415; 59-8-416; 59-8-417; 59-8-418; 59-8-419; 59-8-420; 59-8-421]

SECTION 10. Tennessee Code Annotated, Title 59, Chapter 8, Part 4, is amended by deleting the part in its entirety.

[59-10-102]

SECTION 11. Tennessee Code Annotated, Section 59-10-102, is amended by deleting the language "board of water quality, oil and gas, established by § 59-8-321, the "Tennessee Surface Mining Law,"" and substituting instead the language "board of water quality, oil, and gas, created by § 69-3-104,".

[59-10-102]

SECTION 12. Tennessee Code Annotated, Section 59-10-102, is amended by deleting the language "meaning of § 59-8-321" and substituting instead the language "meaning of § 69-3-105".

[67-7-104]

SECTION 13. Tennessee Code Annotated, Section 67-7-104, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)(1) On or after the effective date of this act, in addition to the tax payable under subsection (a)(3), each operator shall remit an assessment in the following amount:

(A) For coal that is severed from the ground in underground mining operations, the assessment shall be four cents (\$0.04) per ton; and

(B) For coal that is severed from the ground in surface coal mining and reclamation operations, the assessment shall be nine cents (\$0.09) per ton.

(2) The assessment shall be due and payable in the same manner as the coal severance tax under § 67-7-106.

[67-7-110]

SECTION 14. Tennessee Code Annotated, Section 67-7-110, is amended by adding the following language as a new, appropriately designated subsection:

PUBLIC CHAPTER NO. 548 (cont'd)

Q All of the moneys received from the payment of the assessment levied by § 67-7-104(b) shall be transferred to the treasurer for deposit in the coal mining protection fund, created by § 59-8-132, to be used for the administration and enforcement of the requirements of the Primacy and Reclamation Act of Tennessee, compiled in title 59, chapter 8, part 1.

[68-105-120]

SECTION 15. Tennessee Code Annotated, Section 68-105-120, is amended by adding the following language as a new, appropriately designated subdivision:

Q The use of explosives in surface coal mining and reclamation operations to the extent the use is regulated by the department of environment and conservation pursuant to the Primacy and Reclamation Act of Tennessee, compiled in title 59, chapter 8, part 1, and title 30 of the Code of Federal Regulations.

SECTION 16. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 5/26/2021]

SECTION 17. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. Sections 1-12, 16, and designated §§ 59-8-103(a)(9)(A)-(D) and 59-8-132 in Section 3 of this act take effect upon becoming a law, the public welfare requiring it. All other provisions of this act take effect eight (8) months immediately following the receipt of notification from the secretary of the interior that this state has been approved to exercise primacy over the regulation of surface coal mining and reclamation operations within its territorial boundaries, the public welfare requiring it.

PUBLIC CHAPTER NO. 549**SENATE BILL NO. 771****By Johnson, Southerland, Stevens**

Substituted for: House Bill No. 780

By Lamberth, Gant, Todd, Smith

AN ACT to amend Tennessee Code Annotated, Title 4; Title 20; Title 47; Title 55; Title 56; Title 62 and Title 68, relative to regulated professions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[20-9-611]

SECTION 1. Tennessee Code Annotated, Section 20-9-611, is amended by deleting "The board shall impose a prorated fee for any license that is for a period less than twenty-four (24) months."

[20-9-611]

SECTION 2. Tennessee Code Annotated, Section 20-9-611(3), is amended by adding the following to the end of the subdivision:

however, if the initial license was held for less than one (1) year, then the renewal fee is reduced by fifty percent (50%);

[20-9-612]

SECTION 3. Tennessee Code Annotated, Section 20-9-612(b), is amended by adding the following to the end of the subsection:

The continuing education requirements described in this subsection (b) are waived in the case of renewals of initial licenses held for less than one (1) year.

[47-18-1003]

SECTION 4. Tennessee Code Annotated, Section 47-18-1003(1), is amended by adding the following immediately after "in writing":

; however, a credit services business may enter an installment plan with the consumer, so long as that installment plan does not exceed six (6) months and is approved by the commissioner or the commissioner's designee

[47-18-1003]

SECTION 5. Tennessee Code Annotated, Section 47-18-1003(9), is amended by adding ", except as permitted under subdivision (1)" before the semicolon.

PUBLIC CHAPTER NO. 549 (cont'd)

[47-18-5506]

SECTION 6. Tennessee Code Annotated, Section 47-18-5506(14)(A), is amended by deleting "of the applicant and every employee" and substituting ", employee,".

[55-17-111]

SECTION 7. Tennessee Code Annotated, Section 55-17-111, is amended by deleting subsections (e) and (f) and substituting the following:

(e) A dealer must submit a change of address, ownership, employment, trade name, or line-make of motor vehicle a dealer is franchised to handle to the commission, in writing, within thirty (30) days from the date of the change. A dealer must notify the commission of the termination of a salesperson's employment, in writing, within thirty (30) days of the termination.

(f) If a motor vehicle salesperson desires to change employment from one (1) dealer to another, then that salesperson must submit a transfer application to the commission. The salesperson may begin employment with another dealer upon submitting the transfer application and paying any associated fees.

[55-17-114]

SECTION 8. Tennessee Code Annotated, Section 55-17-114(a)(1), is amended by adding the following as a new subdivision (H):

(H) The applicant or license holder has failed to make available for inspection to the commission or its agents all books, records, and other memoranda of all transactions, transfers, or sales of motor vehicles;

[56-1-310]

SECTION 9. Tennessee Code Annotated, Section 56-1-310(b), is amended by redesignating the existing language as subdivision (b)(1) and adding the following as a new subdivision (2):

(2) Notwithstanding subdivision (b)(1):

(A) At a board's discretion and upon the approval of the commissioner of commerce and insurance and the commissioner of finance and administration, funds in board accounts may be expended for the following purposes:

(i) Capital purchases, including technology upgrades;

(ii) Communications and marketing programs related to the board's regulated industries, including consumer protection campaigns, public service announcements, and targeted media;

(iii) Educational programs related to the board's regulated industries, including programs regarding consumer awareness, industry best practices, and industry recruitment;

PUBLIC CHAPTER NO. 549 (cont'd)

(iv) Payment of legal fees and related costs associated with legal representation by the attorney general and reporter; and

(v) Other initiatives related to the department's strategic plan;

(B) The commissioner of commerce and insurance, with the approval of the commissioner of finance and administration, may in extraordinary circumstances expend reserve funds in a board account for the purpose of administering the corresponding programs of that board; and

(C) On or before December 31 in each year that reserve funds are expended under subdivision (b)(2)(B), the commissioner of commerce and insurance shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives a list containing the name of each regulatory board reserve account for which funds were expended and the amount expended.

[62-3-110]

SECTION 10. Tennessee Code Annotated, Section 62-3-110(a)(3), is amended by deleting the subdivision and substituting the following:

(3) The application must also contain proof that the applicant is at least sixteen (16) years of age.

[62-3-110]

SECTION 11. Tennessee Code Annotated, Section 62-3-110(b)(1), is amended by deleting "seventeen (17)" and substituting "sixteen (16)".

[62-3-123]

SECTION 12. Tennessee Code Annotated, Section 62-3-123(f), is amended by deleting "§§ 62-3-110 and 62-3-124" wherever it appears and substituting "§ 62-3-110 or § 62-3-124".

[62-3-123]

SECTION 13. Tennessee Code Annotated, Section 62-3-123, is amended by adding the following as a new subsection (b) and redesignating existing subsection (b) and the remaining subsections accordingly:

(1) A school may only enroll a student who:

(A) Is at least sixteen (16) years of age; and

(B) Has completed and passed at least two (2) years of high school or received a score of at least thirty-eight percent (38%) on the GED® or HiSET® examination.

(2) Public and vocational schools are exempt from this section, except as provided in subsection (e).

PUBLIC CHAPTER NO. 549 (cont'd)

[62-5-312]

SECTION 14. Tennessee Code Annotated, Section 62-5-312(b)(5), is amended by deleting "forty (40)" and substituting "thirty-two (32)".

[62-5-404]

SECTION 15. Tennessee Code Annotated, Section 62-5-404, is amended by adding the following as a new subsection:

This section does not apply to a person who is licensed under § 62-5-305 and is selling pre-need funeral contracts only on behalf of a funeral home that is owned, in whole or in part, by that person. However, that person remains subject to title 56, chapter 6, part 1.

[62-6-120]

SECTION 16. Tennessee Code Annotated, Section 62-6-120(e)(4), is amended by deleting "certified" and substituting "first-class".

[62-6-120]

SECTION 17. Tennessee Code Annotated, Section 62-9-102(g), is amended by deleting the subsection and substituting the following:

(g) This chapter does not require a registered scrap metal dealer to separately register a scrap metal business. However, upon a scrap metal dealer's registration and subsequent renewals of registration, a scrap metal dealer shall list each place of business within this state with reference to its specific location.

[62-9-102]

SECTION 18. Tennessee Code Annotated, Section 62-9-102, is amended by adding the following language as a new subsection:

Registrations under this chapter are subject to late renewal for a period of sixty (60) days following their expiration date. The fee for a late renewal equals the fee for a timely renewal plus a penalty as set by the commissioner.

[62-11-111]

SECTION 19. Tennessee Code Annotated, Section 62-11-111(a)(8), is amended by deleting the subdivision.

[62-11-111]

SECTION 20. Tennessee Code Annotated, Section 62-11-111, is amended by adding the following as a new subsection:

A locksmith licensed under this chapter who operates as a solo practitioner is not required to show proof of affiliation with a locksmith company or to obtain additional licensure from the commissioner to operate as a solo practitioner.

PUBLIC CHAPTER NO. 549 (cont'd)

[62-13-208]

SECTION 21. Tennessee Code Annotated, Section 62-13-208(d), is amended by deleting “, by order of any court having competent jurisdiction,”.

[62-13-208]

SECTION 22. Tennessee Code Annotated, Section 62-13-208(e), is amended by deleting “, by certified mail, return receipt requested” and substituting “within thirty (30) days of commencement of the action”.

[62-13-208]

SECTION 23. Tennessee Code Annotated, Section 62-13-208(f), is amended by deleting the subsection.

[62-13-208]

SECTION 24. Tennessee Code Annotated, Section 62-13-208(g), is amended by deleting”, pursuant to a court order,”.

[62-13-208]

SECTION 25. Tennessee Code Annotated Section, 62-13-208(h), is amended by deleting the subsection and substituting the following:

(h) When the commission has paid from the account any sum to a complainant, the commission is subrogated to all the rights of the complainant in the claim that resulted in payment from the account. The commission shall deposit any amount recovered under this section to the account. If the total amount collected by the commission exceeds the amount paid from the account to the complainant, plus interest and the cost of collection, then the commission may elect to pay the coverage or reassign the remaining interest to the complainant. The payment or reassignment to the complainant does not subject the account to further liability for payment to the original complainant based on that transaction or any resulting judgment. Costs incurred by the commission in attempting to collect under this section must be paid from the account.

[62-13-303]

SECTION 26. Tennessee Code Annotated, Section 62-13-303(e)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age; and

[62-13-303]

SECTION 27. Tennessee Code Annotated, Section 62-13-303(f)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age.

PUBLIC CHAPTER NO. 549 (cont'd)

[62-13-303]

SECTION 28. Tennessee Code Annotated, Section 62-13-303(j)(2), is amended by deleting the subdivision and substituting the following:

(2) Satisfactory proof that the applicant is at least eighteen (18) years of age;

[62-13-309]

SECTION 29. Tennessee Code Annotated, Section 62-13-309(a)(2), is amended by deleting "prominently displayed in" and substituting "displayed or otherwise available for public inspection, in electronic form or hard copy, at".

[62-13-313]

SECTION 30. Tennessee Code Annotated, Section 62-13-313(b), is amended by deleting "registered" wherever it appears and substituting "first-class".

[62-19-111]

SECTION 31. Tennessee Code Annotated, Section 62-19-111(r)(1), is amended by deleting "twenty-one (21)" and substituting "eighteen (18)".

[62-20-102]

SECTION 32. Tennessee Code Annotated, Section 62-20-102(7), is amended by deleting the subdivision.

[62-20-105]

SECTION 33. Tennessee Code Annotated, Section 62-20-105(c), is amended by deleting the subsection.

[62-20-111]

SECTION 34. Tennessee Code Annotated, Section 62-20-111, is amended by deleting the section.

[62-20-115]

SECTION 35. Tennessee Code Annotated, Section 62-20-115(a)(2), is amended by deleting "registered or certified" and substituting "first-class".

[62-39-317]

SECTION 36. Tennessee Code Annotated, Section 62-39-317(d), is amended by deleting the subsection.

[62-39-320]

SECTION 37. Tennessee Code Annotated, Section 62-39-320, is amended by deleting the second sentence.

PUBLIC CHAPTER NO. 549 (cont'd)**[68-115-108]**

SECTION 38. Tennessee Code Annotated, Section 68-115-108(a)(1), is amended by deleting “at least quarterly but may meet”.

[68-115-206]

SECTION 39. Tennessee Code Annotated, Section 68-115-206(b)(1), is amended by deleting “thirty (30)” and substituting “ninety (90)”.

[Effective date 10/1/2021]

SECTION 40. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 550**SENATE BILL NO. 858****By Bowling, White, Pody**

Substituted for: House Bill No. 575

By Ragan, Zachary, Faison, Gant, Marsh, Terry, Powers, Sherrell, Smith, Garrett, White, Howell, Hall, Sparks, Cochran, Boyd, Lynn, Weaver, Leatherwood, Lamberth, Griffey, Russell, Grills, Jerry Sexton, Hurt, Doggett, Moody, Rudder, Todd, Alexander, Cepicky

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 8; Title 56; Title 63; Title 68 and Title 71, relative to public health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[68-2-601]

SECTION 1. Tennessee Code Annotated, Section 68-2-601, is amended by deleting subdivisions (f)(2) and (f)(3) and substituting:

(2) Advise the county mayor on the enforcement of such rules and regulations as may be prescribed by the commissioner essential to the control of preventable diseases and the promotion and maintenance of the general health of the county;

(3) Advise the county mayor on the adoption of rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of the county; and

[68-2-603]

SECTION 2. Tennessee Code Annotated, Section 68-2-603(a)(2), is amended by deleting the language "and the county board of health".

[68-2-603]

SECTION 3. Tennessee Code Annotated, Section 68-2-603(b), is amended by deleting the subsection and substituting:

(b) It is the county health director's duty to enforce the regulations of the state department of health.

[68-2-609]

SECTION 4. Tennessee Code Annotated, Section 68-2-609, is amended by adding the following as a new subdivision:

(4) Rules and regulations as are necessary or appropriate to protect the general health and safety of the county.

[68-1-201]

SECTION 5. Tennessee Code Annotated, Section 68-1-201, is amended by adding the following as a new subsection (c):

PUBLIC CHAPTER NO. 550 (cont'd)

(c) As used in this part, “quarantine” means the limitation of a person’s freedom of movement, isolation of a person, or preventing or restricting access to premises upon which the person or the cause or source of a disease may be found, for a period of time as may be necessary to confirm or establish a diagnosis, to determine the cause or source of a disease, or to prevent the spread of a disease.

[68-5-117]

SECTION 6. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A state or local governmental official, entity, department, or agency shall not:

(1) Require, or mandate that a private business require, proof of vaccination as a condition of entering upon the premises of the business or utilizing services provided by the business; or

(2) Require proof of vaccination as a condition of entering upon the premises of a state or local government entity, or utilizing services provided by a state or local government entity.

(b) As used in this section:

(1) “Private business” means a person, proprietor, partnership, corporation, or other non-governmental entity, whether for profit or not for profit, engaged in business, commerce, or an activity in this state; and

(2) “Proof of vaccination” means physical documentation or digital storage of protected health information related to an individual’s immunization or vaccination against COVID-19.

[Effective date 5/26/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 551**SENATE BILL NO. 1047****By Southerland**

Substituted for: House Bill No. 705

By Russell, Gant, White, Sherrell, Kumar

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to vapor products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1802]

SECTION 1. Tennessee Code Annotated, Section 39-17-1802(16), is amended by redesignating the existing language as subdivision (16)(A) and adding the following new subdivision:

(B) "Smoking" also means using a vapor product that delivers aerosolized or vaporized nicotine, or any other substance, to the person inhaling from the device;

[39-17-1802]

SECTION 2. Tennessee Code Annotated, Section 39-17-1802, is amended by adding the following as new, appropriately designated subdivisions:

() "Retail vapor product store" means a retail store that derives the store's largest category of sales from vapor products and accessories;

() "Vapor product" has the same meaning as defined in § 39-17-1503;

[39-17-1804]

SECTION 3. Tennessee Code Annotated, Section 39-17-1804(3), is amended by deleting the subdivision and substituting the following:

(3) All premises of any manufacturer, importer, or wholesaler of tobacco or vapor products, all premises of any tobacco leaf dealer or processor, and all tobacco storage facilities;

[39-17-1804]

SECTION 4. Tennessee Code Annotated, Section 39-17-1804(9), is amended by deleting the subdivision and substituting:

(9) Retail tobacco stores and retail vapor product stores that prohibit persons under twenty-one (21) years of age on their premises; and

PUBLIC CHAPTER NO. 551 (cont'd)

[39-17-1551]

SECTION 5. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the section and substituting:

(a) The general assembly intends by this part and other provisions of Tennessee Code Annotated to occupy and preempt the entire field of legislation concerning the regulation of tobacco products and vapor products. Any law or regulation of tobacco products enacted or promulgated after March 15, 1994, or vapor products enacted or promulgated after July 1, 2021, by any agency or political subdivision of the state or any agency thereof is void; provided, that cities, counties, and counties having a metropolitan form of government may regulate the use of tobacco products or vapor products in buildings owned or leased by the political subdivisions; and provided further, that airport authorities created pursuant to title 42; utility districts created pursuant to title 7; and special school districts may regulate the use of tobacco products or vapor products in buildings owned or leased by the entities. Notwithstanding any other law to the contrary, individual owners or operators of retail establishments located within an enclosed shopping mall retain the right to determine the policy on the use of tobacco products or vapor products within the person's establishment.

(b)(1) Notwithstanding subsection (a) or any other provision of this title, a municipality, a county, or a county having a metropolitan form of government is authorized by local ordinance or resolution to prohibit smoking or use of a vapor product on the grounds of a hospital or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks.

(2) Any regulation or ordinance that is passed or adopted by a local government pursuant to the authority granted by this subsection (b) may prohibit smoking or use of a vapor product by a distance of up to fifty feet (50') from a hospital's entrance unless the application of a fifty-foot limit would place hospital patients in a potentially unsafe condition. In which case, the fifty-foot limit shall be extended to such distance as is necessary to ensure patient safety as determined by the local government's legislative body in consultation with representatives of any hospitals that are subject to the regulation or ordinance.

(c)(1) Notwithstanding subsection (a) or any other provision of this title, a local government is authorized by ordinance to prohibit smoking or use of a vapor product on the grounds of a swimming pool owned or operated by such local government or an outdoor amphitheater with a seating capacity of at least six thousand (6,000) owned or operated by such local government.

(2) Subdivision (c)(1) only applies to:

(A) Municipalities located in a county having a population of not less than one hundred fifty-six thousand eight hundred (156,800) nor more than one hundred fifty-six thousand nine hundred (156,900), according to the 2010 federal census or any subsequent federal census; or

PUBLIC CHAPTER NO. 551 (cont'd)

(B) Any county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.

(d)(1) Notwithstanding subsection (a) or any other provision of this title, a local government is authorized by ordinance to prohibit smoking or use of a vapor product on the grounds of an urban park center, as described in § 57-4-102.

(2) Subdivision (d)(1) only applies to municipalities located in a county having a population of not less than seventy-two thousand three hundred (72,300) nor more than seventy-two thousand four hundred (72,400), according to the 2010 federal census or any subsequent federal census.

(e)(1) Notwithstanding subsection (a) or any other provision of this title, a local government is authorized by ordinance to prohibit smoking or use of a vapor product on the grounds of a playground by adopting a resolution or ordinance approved by a two-thirds (2/3) vote of the legislative body of the local government.

(2) As used in this subsection (e) "playground" means an indoor or outdoor facility that is intended for recreation of children and owned by the local government.

[Effective date 7/1/2021]

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 552

SENATE BILL NO. 1135

By White

Substituted for: House Bill No. 745

By Haston, Griffey, Hazlewood, Ogles, Smith, Todd, Littleton, Tim Hicks,
Camper, Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 11; Title 49,
Chapter 6 and Title 49, Chapter 7, relative to the Tennessee Work Ready
Opportunity Program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[49-6-6001]

SECTION 1. This act is known and may be cited as the "Tennessee Work
Ready Opportunity Program."

[49-6-6001]

SECTION 2. Tennessee Code Annotated, Section 49-6-6001(b), is amended
by adding the following as a new subdivision:

(4)(A) Subject to available federal funds, as a strategy for
assessing and certifying students' career readiness and providing
students with more choices in identifying career pathways, LEAs and
public charter schools shall provide each student the opportunity to
take nationally recognized assessments in the 2021-2022 and 2022-
2023 school years.

(B) The department shall submit all contracts for the
procurement of any good or service selected or approved by the
department to effectuate subdivision (b)(4)(A) to the fiscal review
committee of the general assembly for review according to the timelines
and requirements established in § 4-56-107(b)(5)(A).

[Effective date 5/26/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 553**SENATE BILL NO. 1335**

**By Hensley, Bowling, Bailey, Briggs, Crowe, Jackson, Niceley, Pody,
Reeves, Rose, Southerland, White**

Substituted for: House Bill No. 928

By Campbell, Reedy, Grills, Griffey, Curcio, Gant, Smith, Moody, Lafferty,
Weaver, Sparks, Tim Hicks, Crawford, Williams, Cepicky, Sherrell, Lynn,
Littleton, Eldridge, Todd, Kumar, Russell, Wright, Moon, Bricken, Faison,
Calfee, Hall, Haston, Cochran, Carr, Powers

AN ACT to amend Tennessee Code Annotated, Title 4; Title 38 and Title 39,
relative to the Tennessee Second Amendment Sanctuary Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. This act is known and may be cited as the “Tennessee Second
Amendment Sanctuary Act.”

[38-3-119]

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, is amended
by adding the following section:

Pursuant to the sovereign authority of this state, a law, treaty,
executive order, rule, or regulation of the United States government
that has been found by the supreme court of the United States or the
Tennessee supreme court to violate Article I, § 26 of the Constitution of
Tennessee or the Second Amendment to the United States Constitution
is null, void, and unenforceable in this state.

[38-3-115]

SECTION 3. Tennessee Code Annotated, Section 38-3-115, is amended by
adding the following new subsection:

() An official who violates this section is subject to ouster under
title 8, chapter 47, if applicable.

[Effective date 5/26/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 554**HOUSE BILL NO. 902**

**By Representatives Doggett, Gant, Smith, Reedy, Moody, Cochran,
Todd, Terry, Littleton, Powers**

Substituted for: Senate Bill No. 1334

By Senators Hensley, Pody, Stevens, White, Bowling, Briggs, Jackson, Rose

AN ACT to amend Tennessee Code Annotated, Title 10; Title 33; Title 38; Title 39; Title 40; Title 50 and Title 70, relative to weapons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1367]

SECTION 1. This act is known and may be cited as the “Second Amendment Privacy and Protection Act of 2021.”

[39-17-1367]

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

39-17-1367.

(a) As used in this section, “registry” means a record of the possession or ownership by individuals or non-governmental entities of a firearm or firearm accessory, which includes, but is not limited to, the serial number, make, model, purchase date, or purchase location of the firearm or firearm accessory or the names, social security numbers, or personal addresses of the individuals or non-governmental entities.

(b) A state or local government entity, official, employee, or agent shall not knowingly create or maintain any firearm registry with the intent to record the possession or ownership of a firearm or firearm accessory by individuals or non-governmental entities.

(c) A violation of subsection (b) is a Class E felony.

(d)

(1) A firearm registry under this section does not include:

(A) A temporary log or record maintained by a state or private entity for the purpose of temporary storage of firearms;

(B) A receipt or record generated while the firearm is in possession of a state or private entity pursuant to the normal operations of that entity unless prohibited by state law;

(C) A record of persons assigned firearms that are purchased, owned, or authorized for carry in the course of employment by a state or local law enforcement agency;

(D) A record maintained in connection with a criminal, civil, or administrative court case;

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(E) A record created or received by the department of correction for the following purposes:

(i) Incident reporting or disciplining inmates, relative to the possession or introduction of a contraband firearm into a penal institution; or

(ii) Incident reporting, issuing parole revocation warrants, or giving notice to the sentencing court relative to the unlawful possession of a weapon by a parolee or a felon probationer; or

(F) A record created, received, or maintained by the Tennessee peace officer standards and training commission, the Jerry F. Agee Tennessee law enforcement training academy, or a law enforcement agency pursuant to § 39-17-1309(e)(11)(B), § 39-17-1315, § 38-8-116, § 38-8-123, or § 49-6-816(f)(1) and (i).

(2) Firearm information contained in documents pursuant to subdivision

(d)(1) must be redacted by the record holder prior to any release under § 10-7-503.

(e) A violation of subsection (b) may result in a civil action under § 39-17-1314(g)-(i).

(f) A violation of subsection (b) by a state or local entity shall result in loss of funding from the state for the following fiscal year and any subsequent fiscal year during which the violation occurs.

[39-17-1314]

SECTION 3. Tennessee Code Annotated, Section 39-17-1314(g), is amended by deleting the subsection and substituting:

(1)

(A) Notwithstanding title 29, chapter 20; title 9, chapter 8; and § 20-13-102, a party may file an action in a court of competent jurisdiction against any of the persons or entities listed in subdivisions (g)(1)(A)(i) and (ii), if the party is adversely affected by:

(i) An ordinance, resolution, policy, rule, or other enactment that is adopted or enforced by a county, city, town, municipality, or metropolitan government or any local agency, department, or official that violates this section; or

(ii) The creation or maintenance of a record, database, registry, or collection of records, in violation of § 39-17-1367, by a state or local government entity, official, employee, or agent.

(B) The adversely affected party may seek:

(i) Declaratory and injunctive relief; and

(ii) Damages, as provided in subsection (i).

(2) This subsection (g) shall apply to any ordinance, resolution, policy, rule, or other enactment that is adopted or enforced on or after

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July 1, 2017, or any record, database, registry, or collection of records that is made or maintained on or after July 1, 2021.

[39-17-1314]

SECTION 4. Tennessee Code Annotated, Section 39-17-1314(h)(1)(C), is amended by deleting the subdivision and substituting:

(C) Is or was subject to the ordinance, resolution, policy, rule, or other enactment or was included as an entry on a database, registry, or collection of records, that is the subject of an action filed under subsection (g). An individual is or was subject to the ordinance, resolution, policy, rule, or other enactment if the individual is or was physically present within the boundaries of the political subdivision for any reason; or

[39-17-1314]

SECTION 5. Tennessee Code Annotated, Section 39-17-1314(i), is amended by deleting the language “county, city, town, municipality, or metropolitan government” and substituting “county, city, town, municipality, or metropolitan, state, or local government entity”.

[39-17-1314]

SECTION 6. Tennessee Code Annotated, Section 39-17-1314(i)(1)(A), is amended by deleting the language “ordinance, resolution, policy, rule, or other enactment” and substituting “ordinance, resolution, policy, rule, enactment, database, registry, or collection of records”.

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 7/1/2021]

SECTION 8. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 555**HOUSE BILL NO. 910**

**By Representatives Casada, Ogles, Whitson, Cooper, Sherrell,
Russell, Moody, White**

Substituted for: Senate Bill No. 572

By Senators Johnson, Jackson

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5,
relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[10-7-504]

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by
adding the following new subsection:

()

(1) Except as provided in subdivision (a)(31), personal identifying information compiled by and in the possession of municipal and county law enforcement agencies and detention facilities concerning any person who has been arrested or charged, but not convicted, of any offense is confidential; provided, that this subsection () does not make confidential the street address of a reported crime. This subsection () does not apply to any person who is arrested or charged for a parole or probation violation during the term of a suspended or deferred sentence.

(2) This subsection () does not prohibit the disclosure of personal information that is used to populate and maintain the statewide automated victim information and notification system, created by title 40, chapter 38, part 5.

(3) As used in this subsection, "personal identifying information" means the home street address, excluding the name of the city or the zip code. "Personal identifying information" also means the personal telephone number and social security number of the person.

(4) This subsection () does not apply to a consumer reporting agency when compiling a consumer report, as defined by 15 U.S.C. § 1681a.

[10-7-504]

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a)(31), is amended by deleting subdivision (B) and substituting instead the following:

(B) Notwithstanding subdivision (a)(31)(A) and upon written request, a motor vehicle accident report containing personal identifying information of persons involved in the accident may be given to:

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(i) Any person named in the motor vehicle accident report;

(ii) An agent, legal representative, or attorney of any person or property owner named in the motor vehicle accident report, with certification of permission from the person the agent, legal representative, or attorney represents;

(iii) The owner of any real property listed in the report;
or

(iv) Any person or entity authorized to obtain motor vehicle records information pursuant to § 55-25-107(b)(1), (b)(6), or (b)(9).

[Effective date 5/26/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 556**HOUSE BILL NO. 943**

By Representatives Mannis, Russell, Warner, Calfee, Terry, Helton

Substituted for: Senate Bill No. 1567

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Title 20; Title 29 and Title 50, Chapter 1, relative to employee rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[50-1-304]

SECTION 1. Tennessee Code Annotated, Section 50-1-304(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3) "Illegal activities":

(A) Means activities that are in violation of the criminal or civil code of this state or the United States or any regulation intended to protect the public health, safety, or welfare; and

(B) Does not include activities prohibited under title 4, chapter 21, § 8-50-103, or federal laws prohibiting discrimination in employment.

[Effective date 5/26/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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HOUSE BILL NO. 948

By Representatives Boyd, Vaughan, Smith, Gant, Sparks, Hall,
Helton, Ramsey, Reedy, Todd, Howell

Substituted for: Senate Bill No. 1281

By Senators Reeves, Jackson, Walley, Watson, Gardenhire, Massey, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 56; Title 68 and Title 71, relative to certificates of need.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 68, ch. 11, part 16; 68-11-1602; 68-11-1603; 68-11-1604; 68-11-1605; 68-11-1606; 68-11-1607; 68-11-1608; 68-11-1609; 68-11-1610; 68-11-1611; 68-11-1612; 68-11-1613; 68-11-1614; 68-11-1615; 68-11-1616; 68-11-1617; 68-11-1618; 68-11-1619; 68-11-1620; 68-11-1621; 68-11-1622; 68-11-1623; 68-11-1624; 68-11-1625; 68-11-1626; 68-11-1627; 68-11-1628; 68-11-1629; 68-11-1630; 68-11-1631; 68-11-1632; 68-11-1633; 68-11-1634; T. 68, ch. 11, part 16; 68-11-1601; 68-11-1602; 68-11-1603; 68-11-1604; 68-11-1605; 68-11-1606; 68-11-1607; 68-11-1608; 68-11-1609; 68-11-1610; 68-11-1611; 68-11-1612; 68-11-1613; 68-11-1614; 68-11-1615; 68-11-1616; 68-11-1617; 68-11-1618; 68-11-1619; 68-11-1620; 68-11-1621; 68-11-1622; 68-11-1623; 68-11-1624; 68-11-1625; 68-11-1626]

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by deleting the part and substituting:

68-11-1601. Short title.

This part is known and may be cited as the "Tennessee Health Services and Planning Act of 2021."

68-11-1602. Part definitions.

As used in this part:

(1) "Agency" and "health services and development agency" mean the agency created by this part to develop the criteria and standards to guide the agency when issuing certificates of need; to conduct studies related to health care, including needs assessments; and to administer the certificate of need program and related activities;

(2) "Certificate of need" means a permit granted by the health services and development agency to a person for those services specified as requiring a certificate of need under § 68-11-1607 at a designated location;

(3) "Conflict of interest" means a matter before the agency in which the member or employee of the agency has a direct interest or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

(4) "Department" means the department of health;

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(5) "Direct interest" means a pecuniary interest in the persons involved in a matter before the agency, and applies to the agency member or employee, the agency member's or employee's relatives, or an individual with whom or business in which the member or employee has a pecuniary interest. As used in this subdivision (5), "relative" means a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage, or adoption;

(6) "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

(7) "Facility" means real property owned, leased, or used by a healthcare institution for any purpose, other than as an investment;

(8) "Health service" means clinically related services, such as diagnostic, treatment, or rehabilitative services, and includes those services specified as requiring a certificate of need under § 68-11-1607;

(9) "Healthcare institution":

(A) Means an agency, institution, facility, or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following:

(i) A nursing home;

(ii) A hospital;

(iii) An ambulatory surgical treatment center;

(iv) An intellectual disability institutional habilitation facility;

(v) A home care organization, or a category of service provided by a home care organization for which authorization is required under part 2 of this chapter;

(vi) An outpatient diagnostic center;

(vii) A rehabilitation facility;

(viii) A residential hospice; or

(ix) A nonresidential substitution-based treatment center for opiate addiction; and

(B) Does not include:

(i) A ground ambulance;

(ii) A home for the aged;

(iii) A premises occupied exclusively as the professional practice office of a:

(a) Physician licensed pursuant to title 63, chapter 6, part 2 or title 63, chapter 9; or

(b) Dentist licensed by this state and controlled by the physician or dentist;

(iv) An administrative office building of a public agency related to healthcare institutions;

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(v) A Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(vi) A mental health residential treatment facility; or

(vii) A mental health hospital;

(10) "Home care organization" means an entity licensed as such by the department that is staffed and organized to provide "home health services" or "hospice services," as defined by § 68-11-201, to patients in either the patient's regular or temporary place of residence;

(11) "Indirect interest" means a personal interest in the persons involved in a matter before the agency that is in conflict with the discharge of the agency member's or employee's duties;

(12) "Letter of intent" means the form prescribed by the agency that requires a brief project description, location, estimated project cost, owner of the project, and description of services to be performed;

(13) "Licensed beds" means the number of beds licensed by the agency having licensing jurisdiction over the facility in which the beds are located;

(14) "Needs assessment" means an annual report that measures access to health care in this state, particularly as to emergency and primary care; identifies access gaps; and serves to inform the criteria and standards for the issuance of certificates of need;

(15) "Nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

(16) "Nursing home" has the same meaning as defined in § 68-11-201;

(17) "Nursing home bed" means:

(A) A licensed bed within a nursing home, regardless of whether the bed is certified for medicare or medicaid services; and

(B) A bed at a healthcare institution used as a swing bed under 42 C.F.R. § 485.645;

(18) "Patient" includes, but is not limited to, a person who has an acute or chronic physical or mental illness or injury; who is convalescent, infirm, or has an intellectual or physical disability; or who is in need of obstetrical, surgical, medical, nursing, psychiatric, or supervisory care;

(19) "Pediatric patient" means a patient who is fourteen (14) years of age or younger;

(20) "Person":

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(A) Means an individual, a trust or an estate, a firm, a partnership, an association, a stockholder, a joint venture, a corporation or other form of business organization, the state of Tennessee and its political subdivisions or parts of political subdivisions, and any combination of persons specified in this subdivision (20), public or private; and

(B) Does not include the United States or an agency or instrumentality of the United States, except in the case of voluntary submission to the rules established pursuant to this part;

(21) "Planning division" and "state health planning division" mean the state health planning division of the department, which is created by this part to develop the state health plan and conduct other related studies;

(22) "Rehabilitation facility" means an inpatient or residential facility that is operated for the primary purpose of assisting in the rehabilitation of physically disabled persons through an integrated program of medical and other services that is provided under professional supervision;

(23) "Review cycle" means the timeframe set for the review and initial decision on applications for certificate of need applications that have been deemed complete, with the fifteenth day of the month being the first day of the review cycle; and

(24) "State health plan" means the plan that is developed by the state health planning division pursuant to this part.

68-11-1603. Policy.

It is declared to be the public policy of this state that the establishment and modification of healthcare institutions, facilities, and services must be accomplished in a manner that promotes access to necessary, high quality, and cost-effective services for the health care of the people of this state. To this end, this section applies equitably to all healthcare entities, regardless of ownership or type, except those owned and operated by the United States government.

68-11-1604. Health services and development agency - Creation - Composition Appointments - Terms - Compensation - Officers - Meetings - Conflict of interest.

(a) There is created a health services and development agency that has jurisdiction and powers relating to the certificate of need program; the development of the criteria and standards to guide the agency when issuing certificates of need; conducting of studies related to health care, which must include a needs assessment; and related reporting of healthcare institutions subject to this chapter.

(b)

(1) The agency consists of eleven (11) members, including:

(A) The comptroller of the treasury, or an employee of the office of the comptroller of the treasury designated by the comptroller;

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(B) The state director of TennCare, or its successor, or an employee of the division of TennCare, or its successor, designated by the director;

(C) The commissioner of commerce and insurance, or an employee of the department of commerce and insurance designated by the commissioner;

(D) One (1) consumer member appointed by the speaker of the senate;

(E) One (1) consumer member appointed by the speaker of the house of representatives; and

(F) Six (6) members appointed by the governor, to include:

(i) One (1) person who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(ii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by interested healthcare groups, including, but not limited to, the Tennessee Health Care Association;

(iii) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association;

(iv) One (1) representative of the home care industry who may be appointed from lists of qualified persons submitted by interested home care groups, including, but not limited to, the Tennessee Association for Home Care. The initial term for the home care industry representative is two (2) years. Upon the expiration of that term, the home care industry representative is appointed for a three-year term pursuant to subsection (c);

(v) One (1) consumer member; and

(vi) One (1) representative of the ambulatory surgical treatment center industry.

(2) The governor shall consult with interested groups, including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions with the agency.

(3) In making appointments to the health services and development agency, the governor and the speakers shall strive to ensure that racial minorities, females, persons sixty (60) years of age and older, and the three (3) grand divisions are represented.

(4) The consumer members must be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in healthcare facility design or construction, financing of healthcare services or construction, reimbursement of healthcare services, or general healthcare economics.

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The consumer members shall not be a direct provider of healthcare goods or services.

(c)

(1) A member of the agency shall not serve beyond the expiration of the member's term, whether or not a successor has been appointed by the governor or the speakers of the senate and the house of representatives.

(2) Except for the comptroller of the treasury, the commissioner of commerce and insurance, and the director of TennCare, or their respective designees, agency members are appointed for three-year terms, and a member shall not serve more than two (2) consecutive three-year terms.

(3) If a member is absent from three (3) consecutive, regularly scheduled public meetings of the agency, then the individual's membership is automatically terminated, and the position is considered as vacant.

(d)

(1) Each member of the agency shall receive fifty dollars (\$50.00) per diem when actually engaged in the discharge of the member's official duties, and in addition, shall be reimbursed for all travel and other necessary expenses. However, agency members who are state employees shall not receive per diem, but must be reimbursed for all travel and other necessary expenses.

(2) Expenditures must be claimed and paid in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(e)

(1) At the first meeting in each fiscal year, the agency shall elect officers. The chair of the agency must be a consumer member to serve a term of two (2) years. A member of the agency may serve as vice chair, which is a term of one (1) year. A member shall not serve two (2) consecutive terms as vice chair.

(2) Meetings of the agency must be held as frequently as its duties may require.

(3) Six (6) members constitute a quorum, but a vacancy on the agency does not impair its power to act.

(4) An action of the agency is not effective unless the action is concurred in by a majority of agency members present and voting.

(5) In the event of a tie vote, the action is considered disapproved.

(6) The agency shall record by name the votes taken on all actions of the agency.

(7)

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(A) All agency members shall annually review and sign a statement acknowledging the statute, rules, and policies concerning conflicts of interest.

(B)

(i) A member, upon determining that a matter scheduled for consideration by the agency results in a conflict with a direct interest, shall immediately notify the executive director and is recused from any deliberation of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter. The member shall join the public during the proceedings.

(ii) A member with an indirect interest shall publicly acknowledge such interest.

(iii) All members shall make every reasonable effort to avoid even the appearance of a conflict of interest. If a member is uncertain whether the relationship justifies recusal, then the member shall follow the determination by the legal counsel for the agency.

(iv) A determination by the agency or a court that a member of the agency with a direct interest failed to provide notice and be recused from deliberations of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter, results in the member's automatic termination from the agency and the position is considered vacant. The member is not eligible for appointment to any agency, board, or commission of this state for a period of two (2) years.

(v) The executive director, upon determining that a conflict exists for the executive director or a member of the staff, shall notify the chair of the agency and take such action as the chair prescribes and pursuant to this part.

68-11-1605. Powers and duties of agency.

In addition to the powers granted elsewhere in this part, the agency has the duty and responsibility to:

(1) Develop criteria and standards to guide the agency when issuing certificates of need that are:

(A) Based, in whole or in part, upon input the agency received during development of the criteria and standards from the division of TennCare, or its successor; the departments of health, mental health and substance abuse services, and intellectual and developmental disabilities; the health and welfare committee of the senate; and the health committee of the house of representatives;

(B) Evaluated and updated not less than once every five (5) years; and

(C) Developed by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(2) Receive and consider applications for certificates of need, to review recommendations on certificates of need, and to grant or deny

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certificates of need on the basis of the merits of the applications within the context of the local, regional, and state health needs, including, but not limited to, the criteria and standards developed in accordance with this part;

(3) Conduct studies related to health care, including a needs assessment that must be updated at least annually;

(4) Promulgate rules and policies deemed necessary by the agency for the fulfillment of its duties and responsibilities under this part, including a procedure for the issuance of a certificate of need upon an emergency application if an unforeseen event necessitates the issuance of a certificate of need to protect the public health, safety, and welfare, and if the public health, safety, and welfare would be unavoidably jeopardized by compliance with the procedures established under this part;

(5) Contract when necessary for the development of criteria and standards to guide the agency when issuing certificates of need and for the implementation of the certificate of need program described in this part;

(6) Weigh and consider access to quality health care and the healthcare needs of consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups whenever the agency performs its duties or responsibilities assigned by law; and

(7) Issue exemptions from the voiding of a certificate of need and an activity authorized by the certificate of need pursuant to § 68-11-1609(i), if the actions the certificate of need authorizes are not performed for a continuous period of one (1) year after the date the certificate of need is implemented.

68-11-1606. Executive director of agency - Appointment - Salary - Duties - Delegation of authority - Review.

(a) The agency shall appoint an executive director qualified by education and experience. The executive director must demonstrate knowledge and experience in the areas of public administration and health policy development.

(b) The agency shall fix the salary of the executive director, who serves at the pleasure of the agency. The executive director is the chief administrative officer of the agency and the appointing authority, exercising general supervision over all persons employed by the agency.

(c) The executive director has the following duties:

(1) Administering the development of criteria and standards to guide the agency when issuing certificates of need;

(2) Administering the certificate of need program;

(3) Conducting studies related to health care;

(4) Representing the agency before the general assembly;

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(5) Overseeing the issuance of responses to requests for determination regarding the applicability of this part;

(6) Issuing exemptions from the requirement that a certificate of need be obtained for the relocation of existing or certified facilities providing healthcare services and healthcare institutions under § 68-11-1607(a)(4);

(7) Keeping a written record of proceedings and transactions of the agency, which must be open to public inspection during regular office hours;

(8) Preparing the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the agency;

(9) Employing personnel, within the agency's budget, to assist in carrying out this part;

(10) Carrying out policies and rules that are promulgated by the agency and supervising the expenditure of funds;

(11) Submitting an annual report, no later than January 15 of each year, to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives that includes, but is not limited to, a comparison of the actual payer mix and uncompensated care provided by certificate of need holders with the projections the holders submitted in the holder's certificate of need application; and

(12) Submitting to the chairs of the health and welfare committee of the senate and health committee of the house of representatives no later than January 1, 2023, a plan:

(A) Developed by the executive director;

(B) To consolidate into a health facilities commission the powers and duties of the agency with those of the board for licensing health care facilities established under part 2 of this chapter; and

(C) For which agencies of this state shall provide assistance to the executive director following a request by the executive director.

(d) In addition to the duties provided in subsection (c), the agency has the authority to delegate, and it is the intent of the general assembly that the agency exercise the authority to delegate the following responsibilities and duties to the executive director:

(1) Granting deferral of applications for certificates of need in accordance with § 68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need in accordance with this part.

(e) A delegation of authority pursuant to subsection (d) continues until specifically revoked by the agency as a result of a determination that revocation is necessary to ensure the proper and orderly operation of the agency.

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(f) The executive director shall, within two (2) business days, notify the agency of an action taken pursuant to a delegation of authority under subsection (d).

(g)

(1) The agency shall review an action by the executive director, if:

(A) The executive director receives a written request for agency review; or

(B) An agency member requests agency review.

(2)

(A) If a request for agency review pursuant to subdivision (g)(1) is received within fifteen (15) days of the date the executive director provides notice of the action pursuant to subsection (f), then the action does not become final until the agency has rendered its final decision.

(B) If a request for agency review is not received pursuant to subdivision (g)(1), then the executive director's action becomes final as if the action was taken by the agency.

(h)

(1) An agency review of an action taken by the executive director must be conducted at the next regularly scheduled agency meeting that is scheduled for a date no less than two (2) weeks after the date the request for review is received pursuant to subsection (g).

(2) Agency review of an action by the executive director is de novo.

(3) The agency shall use the then-current edition of Robert's Rules of Order as the rules of parliamentary procedure applicable to an agency review of an action taken by the executive director.

68-11-1607. Certificate of need - Applications - Exemptions - Registration of equipment - Critical access hospital designation.

(a) A person shall not perform the following actions in this state, except after applying for and receiving a certificate of need for the action:

(1) The construction, development, or other establishment of any type of healthcare institution as described in this part;

(2) In the case of a healthcare institution, a change in the bed complement, regardless of cost, that:

(A) Increases by one (1) or more the number of nursing home beds;

(B) Redistributes beds from any category to acute, rehabilitation, or long-term care, if at the time of redistribution the healthcare institution does not have beds licensed for the category to which the beds will be redistributed; or

(C) Relocates beds to another facility or site;

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(3) Initiation of the following healthcare services:

- (A) Burn unit;
- (B) Neonatal intensive care unit;
- (C) Open heart surgery;
- (D) Organ transplantation;
- (E) Cardiac catheterization;
- (F) Linear accelerator;
- (G) Home health;
- (H) Hospice; or
- (I) Opiate addiction treatment provided through a nonresidential substitution-based treatment center for opiate addiction;

(4)

(A) Except as provided in subdivision (a)(4)(B), a change in the location of existing or certified facilities providing healthcare services and healthcare institutions. However, the executive director may issue an exemption for the relocation of existing healthcare institutions and approved services if the executive director determines that:

(i)

(a) At least seventy-five percent (75%) of patients to be served are reasonably expected to reside in the same zip codes as the existing patient population; and

(b) The relocation will not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups;

(ii) The executive director must notify the agency of an exemption granted pursuant to subdivision (a)(4)(A)(i) within two (2) business days of the date the executive director grants the exemption;

(iii) An exemption granted by the executive director pursuant to subdivision (a)(4)(A)(i) is subject to agency review in the same manner as described in § 68-11-1606(g) and (h);

(B) The relocation of the principal office of a home health agency or hospice within its licensed service area does not require a certificate of need;

(5) Except as otherwise provided in subdivision (m)(2) and subsection (u), the following actions in a county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census:

- (A) Initiation of magnetic resonance imaging services; or
- (B) Increasing the number of magnetic resonance imaging machines, except for replacing or decommissioning an existing machine;

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(6) Establishing a satellite emergency department facility or a satellite inpatient facility by a hospital at a location other than the hospital's main campus; and

(7) Except as otherwise provided in subsection (u), the initiation of positron emission tomography in a county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census.

(b) An agency of this state, or of a county or municipal government, shall not approve a grant of funds for, or issue a license to, a healthcare institution for a portion or activity of the healthcare institution that is established, modified, relocated, changed, or resumed, or that constitutes a covered healthcare service, in violation of this part. If an agency of this state, or of a county or municipal government, approves a grant of funds for, or issues a license to, a person or institution for which a certificate of need was required but was not granted, then the license is void and the person or institution shall refund the funds to the state within ninety (90) days. The health services and development agency has the authority to impose civil penalties and petition a circuit or chancery court having jurisdiction to enjoin a person who is in violation of this part.

(c)

(1) For each application, a letter of intent must be filed between the first day of the month and the fifteenth day of the month prior to the application's submission. At the time of filing, the applicant shall cause the letter of intent to be published in a newspaper of general circulation in the proposed service area of the project. The published letter of intent must contain a statement that any:

(A) Healthcare institution wishing to oppose the application must file written notice with the agency no later than fifteen (15) days before the agency meeting at which the application is originally scheduled; and

(B) Other person wishing to oppose the application may file a written objection with the agency at or prior to the consideration of the application by the agency, or may appear in person to express opposition.

(2) Persons desiring to file a certificate of need application seeking a simultaneous review regarding a similar project for which a letter of intent has been filed shall file with the agency a letter of intent between the sixteenth day of the month and the last day of the month of publication of the first filed letter of intent. A copy of a letter of intent filed after the first letter of intent must be mailed or delivered to the first filed applicant and must be published in a newspaper of general circulation in the proposed service area of the first filed applicant. The health services and development agency shall consider and decide the applications simultaneously. However, the agency may refuse to consider the applications simultaneously if it finds that the

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applications do not meet the requirements of "simultaneous review" under the rules of the agency.

(3) Applications for a certificate of need, including simultaneous review applications, must be filed by the first business day of the month following the date of publication of the letter of intent.

(4) If there are two (2) or more applications to be reviewed simultaneously in accordance with this part and the rules of the agency, and one (1) or more of those applications is not deemed complete by the deadline to be considered at the next agency meeting, then the other applications that are deemed complete by the deadline must be considered at the next agency meeting. The application or applications that are not deemed complete by the deadline to be considered at the next agency meeting will not be considered with the applications deemed complete by the deadline to be considered at the next agency meeting.

(5) Review cycles begin on the fifteenth day of each month. Review cycles are thirty (30) days. The first meeting at which an application can be considered by the agency is the meeting following the application's review cycle. If an application is not deemed complete within sixty (60) days after initial written notification is given to the applicant by agency staff that the application is deemed incomplete, then the application is void. If the applicant decides to resubmit the application, then the applicant shall comply with all procedures as set out by this part and pay a new filing fee when submitting the application. Prior to deeming an application complete, the executive director shall ensure independent review and verification of information submitted to the agency in applications, presentations, or otherwise. The purpose of the independent review and verification is to ensure that the information is accurate, complete, comprehensive, timely, and relevant to the decision to be made by the agency. The independent review and verification must be applied to, but not necessarily be limited to, applicant-provided information as to the number of available beds within a region, occupancy rates, the number of individuals on waiting lists, the demographics of a region, the number of procedures, and other critical information submitted or requested concerning an application; and staff examinations of data sources, data input, data processing, and data output, and verification of critical information.

(6) An application filed with the agency must be accompanied by a nonrefundable examination fee fixed by the rules of the agency.

(7) information provided in the application or information submitted to the agency in support of an application must be true and correct. Substantive amendments to the application, as defined by rule of the agency, are not allowed.

(8) An applicant shall designate a representative as the contact person for the applicant and shall notify the agency, in writing, of the contact person's name, address, and telephone number. The applicant shall immediately notify the agency in writing of any change in the

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identity or contact information of the contact person. In addition to any other method of service permitted by law, the agency may serve by registered or certified mail any notice or other legal document upon the contact person at the person's last address of record in the files of the agency. Notwithstanding a law to the contrary, service in the manner specified in this subdivision (c)(8) constitutes actual service upon the applicant.

(9)

(A) Within ten (10) days of the filing of an application for a nonresidential substitution-based treatment center for opiate addiction with the agency, the applicant shall send a notice to the county mayor of the county in which the facility is proposed to be located; the state representative and senator representing the house district and the senate district in which the facility is proposed to be located; and the mayor of the municipality, if the facility is proposed to be located within the corporate boundaries of a municipality, by certified mail, return receipt requested, informing those officials that an application for a nonresidential substitution-based treatment center for opiate addiction has been filed with the agency by the applicant.

(B) If an application involves a healthcare facility in which a county or municipality is the lessor of the facility or real property on which it sits, then within ten (10) days of filing the application, the applicant shall notify the chief executive officer of the county or municipality of the filing, by certified mail, return receipt requested.

(C) An application subject to the notification requirements of this subdivision (c)(9) is not complete if the applicant has not provided proof of compliance with this subdivision (c)(9) to the agency.

(d) Communications with the members of the agency are not permitted once the letter of intent initiating the application process is filed with the agency. Communication between agency members and agency staff is not prohibited. Any communication received by an agency member from a person unrelated to the applicant or party opposing the application must be reported to the executive director, and a written summary of the communication must be made part of the certificate of need file.

(e) For purposes of this part, agency action is the same as administrative action defined in § 3-6-301.

(f)

(1) Notwithstanding this section to the contrary, Tennessee state veterans' homes under title 58, chapter 7, are not required to obtain a certificate of need pursuant to this section.

(2) Notwithstanding this section to the contrary, the beds located in a Tennessee state veterans' home pursuant to title 58, chapter 7, must not be considered by the health services and development agency when granting a certificate of need to a healthcare institution

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due to a change in the number of licensed beds, redistributing beds, or relocating beds pursuant to this section.

(g) After a person holding a certificate of need has completed the actions for which the certificate of need was granted, the time to complete activities authorized by the certificate of need expires.

(h) The owners of the following types of equipment shall register the equipment with the health services and development agency: computerized axial tomographers, magnetic resonance imagers, linear accelerators, and positron emission tomography. The registration must be in a manner and on forms prescribed by the agency and must include ownership, location, and the expected useful life of the equipment. Registration must occur within ninety (90) days of acquisition of the equipment. All such equipment must be filed on an annual inventory survey developed by the agency. The survey must include, but not be limited to, the identification of the equipment and utilization data according to source of payment. The survey must be filed no later than thirty (30) days following the end of each state fiscal year. The agency may impose a penalty not to exceed fifty dollars (\$50.00) for each day the survey is late.

(i) Notwithstanding this section to the contrary, an entity, or its successor, that was formerly licensed as a hospital, and that has received from the commissioner of health a written determination that it will be eligible for designation as a critical access hospital under the medicare rural hospital flexibility program, is not required to obtain a certificate of need to establish a hospital qualifying for that designation, if it meets the requirements of this subsection (i). In order to qualify for the exemption set forth in this subsection (i), the entity proposing to establish a critical access hospital shall publish notice of its intent to do so in a newspaper of general circulation in the county where the hospital will be located and in contiguous counties. The notice must be published at least twice within a fifteen-day period. The written determination from the department of health and proof of publication required by this subsection (i) must be filed with the agency within ten (10) days after the last date of publication. If no healthcare institution within the same county or contiguous counties files a written objection to the proposal with the agency within thirty (30) days of the last publication date, then the exemption set forth in this subsection (i) applies. However, this exemption applies only to the establishment of a hospital that qualifies as a critical access hospital under the medicare rural flexibility program and not to any other activity or service. If a written objection by a healthcare institution within the same county or contiguous counties is filed with the agency within thirty (30) days from the last date of publication, then the exemption set forth in this subsection (i) does not apply.

(j)

(1) Notwithstanding subdivision (a)(2)(A) or (a)(4), a nursing home may increase its total number of licensed beds by the lesser

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of ten (10) beds or ten percent (10%) of its licensed capacity no more frequently than one (1) time every three (3) years without obtaining a certificate of need. The nursing home shall provide written notice of the increase in beds to the agency on forms provided by the agency prior to the request for licensing by the board for licensing health care facilities.

(2) For new nursing homes, the ten-bed or ten-percent increase cannot be requested until one (1) year after the date all of the new beds were initially licensed.

(3) When determining projected county nursing home bed need for certificate of need applications, all notices filed with the agency pursuant to subdivision (j)(1), with written confirmation from the board for licensing health care facilities that a request and application for license has been received and a review has been scheduled, must be considered with the total of licensed nursing home beds, plus the number of beds from approved certificates of need, but yet unlicensed.

(k) This part does not require a certificate of need for a home care organization that is authorized to provide only professional support services as defined in § 68-11-201.

(l) Except as provided in subsection (w), a home care organization may only initiate hospice services after applying for and receiving a certificate of need for providing hospice services.

(m)

(1) A person who provides magnetic resonance imaging services shall file with the agency an annual report no later than thirty (30) days following the end of each state fiscal year that details the mix of payers by percentage of cases for the prior calendar year for its patients, including private pay, private insurance, uncompensated care, charity care, medicare, and medicaid.

(2) In a county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or a subsequent federal census, a person who initiates magnetic resonance imaging services shall notify the agency in writing that imaging services are being initiated and shall indicate whether magnetic resonance imaging services will be provided to a patient who is fourteen (14) years of age or younger on more than five (5) occasions per year.

(n)

(1) An application for certificate of need for organ transplantation must separately:

(A) Identify each organ to be transplanted under the application; and

(B) State, by organ, whether the organ transplantation recipients will be adult patients or pediatric patients.

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(2) After an initial application for transplantation has been granted, the addition of a new organ to be transplanted or the addition of a new recipient category requires a separate certificate of need. The application must:

(A) Identify the organ to be transplanted under the application; and

(B) State whether the organ transplantation recipients will be adult patients or pediatric patients.

(3)

(A) For the purposes of certificate of need approval for organ transplantation programs under this part, a program submitted to the United Network for Organ Sharing (UNOS) by January 1, 2017, is not required to obtain a certificate of need.

(B) If the organ transplantation program ceases to be a UNOS-approved program, then a certificate of need is required.

(o)

(1) Within two (2) years after the date of receiving a certificate of need, an outpatient diagnostic center must become accredited by the American College of Radiology in the modalities provided by that facility as a condition of receiving the certificate of need.

(2) An outpatient diagnostic center that fails to comply with the accreditation requirement of subdivision (o)(1) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(p)

(1) Notwithstanding this title to the contrary, a certificate of need is not required for a hospital to operate a nonresidential substitution-based treatment center for opiate addiction if the treatment center is located on the same campus as the operating hospital and the hospital is licensed under title 33 or this title.

(2) For purposes of this subsection (p), "campus" has the same meaning as defined in 42 CFR § 413.65.

(q)

(1) This part does not require a certificate of need for actions in a county that, as of January 1, 2021:

(A) Is designated as an economically distressed eligible county by the department of economic and community development pursuant to § 67-6-104, as updated annually; and

(B) Has no hospital that is actively licensed under this title located within the county.

(2)

(A) A person that provides positron emission tomography services or magnetic resonance imaging services pursuant to this

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subsection (q) must be accredited by The Joint Commission or the American College of Radiology in the modalities provided by that person and submit proof of the accreditation to the agency within two (2) years of the initiation of service.

(B) A person that provides positron emission tomography services or magnetic resonance imaging services pursuant to this subsection (q) and that fails to comply with the accreditation requirement of subdivision (q)(2)(A) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(r)

(1) This part does not require a certificate of need to establish a home health agency limited to providing home health services under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) (42 U.S.C. § 7384, et seq.), or a subsequent amendment, revision, or modification to the EEOICPA. A license issued by the department pursuant to this subsection (r) for services under the EEOICPA must be limited to the provision of only those services. A home health agency providing home health services without a certificate of need pursuant to this subsection (r) must be accredited by The Joint Commission, the Community Health Accreditation Partner, or the Accreditation Commission for Health Care and submit proof of such accreditation to the agency within two (2) years of the initiation of service.

(2) A home health agency that provides home health services without a certificate of need pursuant to this subsection (r) and that fails to comply with the accreditation requirement of subdivision (r)(1) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(s)

(1) This part does not require a certificate of need to establish a home health agency limited to providing home health services to patients less than eighteen (18) years of age. A license issued by the department pursuant to this subsection (s) for the provision of home health services to patients under eighteen (18) years of age must be limited to the provision of only those services.

(2) The agency may permit a home health agency providing home health services to patients under eighteen (18) years of age to continue providing home health services to the patient until the patient reaches twenty-one (21) years of age if:

(A) The patient received home health services from the home health agency prior to the date the patient reached eighteen (18) years of age; and

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(B) The home health services are provided under a TennCare program.

(3)

(A) A home health agency that provides home health services without a certificate of need pursuant to this subsection (s) must, within two (2) years of the initiation of service, be accredited by and submit proof to the agency of the accreditation from:

(1) An accrediting organization with deeming authority from the federal centers for medicare and medicaid services;

(2) The Joint Commission;

(3) The Community Health Accreditation Partner; or

(4) The Accreditation Commission for Health Care.

(B) A home health agency that provides home health services without a certificate of need pursuant to this subsection (s) and that fails to comply with the accreditation requirement of subdivision (s)(3)(A) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(t) This part does not require a certificate of need in order for an existing hospital licensed by the department of mental health and substance abuse services to become licensed by the department of health as a satellite of an affiliated general acute care hospital as provided by § 33-2-403(b)(8)(B).

(u)

(1) This part does not require a certificate of need to establish or operate the following in a county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or a subsequent federal census:

(A) Initiation of magnetic resonance imaging services, or increasing the number of magnetic resonance imaging machines used, as long as magnetic resonance imaging services are not provided to a patient who is fourteen (14) years of age or younger on more than five (5) occasions per year; or

(B) Initiation of positron emission tomography.

(2)

(A) A provider of positron emission tomography established without a certificate of need pursuant to this subsection (u) must become accredited by the American College of Radiology and provide to the agency proof of the accreditation within two (2) years of the date of licensure.

(B) A provider of positron emission tomography established without a certificate of need pursuant to this subsection (u) and that fails to comply with the accreditation requirement of subdivision (u) (2)(A) is subject to licensure sanction under § 68-11-207 as a violation

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of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(v)

(1) A person who performs the following actions shall file an annual report as described in this subsection (v) with the health services and development agency:

- (A) Cardiac catheterization;
- (B) Open heart surgery;
- (C) Organ transplantation;
- (D) Operation of a burn unit;
- (E) Operation of a neonatal intensive care unit;
- (F) Provision of home health services; or
- (G) Provision of hospice services.

(2) The annual report required by subdivision (v)(1) must be submitted in a manner and on forms prescribed by the agency, and must include utilization data according to source of payment and zip codes of patient origin.

(3) A person required to submit an annual report by this subsection (v) must submit the annual report for the period coinciding with the state fiscal year ending June 30, 2021, on or before September 30, 2021. The annual report for each subsequent fiscal year must be submitted to the agency no later than thirty (30) days following the end of each state fiscal year.

(4) The agency may impose a civil penalty not to exceed fifty dollars (\$50.00) per day, for each day an annual report required by this subsection (v) is late.

(w)

(1) This part does not require a certificate of need to establish a home care organization or residential hospice limited to providing hospice services, as defined in § 68-11-201, to patients under the care of a healthcare research institution, as defined in § 68-11-1901.

(2) A license issued by the department pursuant to the exception created by subdivision (w)(1) must be limited to the provision of services only to the patients of the healthcare research institution, as defined in § 68-11-1901, or the patients of a hospital or clinic that has its principal place of business located in this state and that is affiliated with the healthcare research institution.

(3) A home care organization or residential hospice that provides hospice services without a certificate of need pursuant to subdivision (w)(1) must, within twelve (12) months of the date the home care organization is granted a license by the department, be accredited by The Joint Commission, the Community Health Accreditation Partner (CHAP), DNV GL Healthcare, or the Accreditation Commission for

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Health Care (ACHC), in order to continue to qualify for the exception created by subdivision (w)(1).

68-11-1608. Applications on consent or emergency calendars - Authority to grant emergency certificate of need.

(a) The executive director may place applications to be considered on a consent or emergency calendar established in accordance with agency rule.

(b) The rule must provide that, in order to qualify for the consent calendar, an application must not be opposed by a person with legal standing to oppose and the application must appear to be necessary to provide needed health care in the area to be served, provide health care that meets appropriate quality standards, and demonstrate that the effects attributed to competition or duplication would be positive for consumers. If opposition is stated in writing prior to the application being formally considered by the agency, then the application must be taken off the consent calendar and placed on the next regular agenda, unless waived by the parties.

(c)

(1) If an unforeseen event necessitates action of a type requiring a certificate of need, and the public health, safety, or welfare would be unavoidably jeopardized by compliance with the standard procedures for the application for and granting of a certificate of need, then the agency may issue an emergency certificate of need.

(2) An emergency certificate of need may be issued upon request of the applicant if the executive director and officers of the agency concur, after consultation with the appropriate reviewing agency. Prior to an emergency certificate of need being granted, the applicant must publish notice of the application in a newspaper of general circulation, and agency members must be notified by agency staff of the request.

(3) A decision regarding whether to issue an emergency certificate of need must be considered at the next regularly scheduled agency meeting unless the applicant's request is necessitated by an event that has rendered its facility, equipment, or service inoperable. In that case, the agency's chair and vice chair may act immediately, on behalf of the agency, to consider the application for an emergency certificate of need.

(4) An emergency certificate of need is valid for a period not to exceed one hundred twenty (120) days. However, if the applicant has applied for a certificate of need under standard agency procedures, then an extension of the emergency certificate of need may be granted.

68-11-1609. Decision on application.

(a) The agency shall, upon consideration of an application and review of the evaluation and other relevant information:

(1) Approve part or all of the application and grant a certificate of need, upon lawful conditions that the agency deems appropriate and

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enforceable on the grounds that those parts of the proposal appear to meet applicable criteria. However:

(A) A condition that is placed on a certificate of need, and that appears on the face of the certificate of need when issued, must also be made a condition of any corresponding license issued by the department of health or department of mental health and substance abuse services. Notwithstanding a law to the contrary, the condition survives the expiration of the certificate of need and remains effective until removed or modified by the agency. The condition becomes a requirement of licensure and must be enforced by the respective licensing entity; and

(B) The holder of a license or certificate of need that has a condition placed on it by the agency may subsequently request that the condition be removed or modified, for good cause shown. The agency shall consider the request and determine whether or not to remove or modify the condition. The procedure for requesting a determination must be done as provided by agency rules. If the holder of the license or certificate of need is aggrieved by the agency's decision, then the holder may request a contested case hearing as permitted by this part;

(2) Disapprove part or all of the application and deny a certificate of need on the grounds that the applicant has not affirmatively demonstrated that those parts of the proposal meet the applicable criteria; or

(3) Defer making a decision for no more than ninety (90) days to obtain a clarification of information concerning applications properly before the agency, if there are no simultaneous review applications being concurrently considered by the agency with the deferred application.

(b) A certificate of need shall not be granted unless the action proposed in the application is necessary to provide needed health care in the area to be served, will provide health care that meets appropriate quality standards, and the effects attributed to competition or duplication would be positive for consumers. In making these determinations, the agency shall use as guidelines the goals, objectives, criteria, and standards adopted to guide the agency in issuing certificates of need. Until the agency adopts its own criteria and standards by rule, those in the state health plan apply. Additional criteria for review of applications must also be prescribed by the rules of the agency.

(c) Activity authorized by a certificate of need must be completed within a period not to exceed three (3) years for hospital and nursing home projects, and two (2) years for all other projects, from the date of its issuance and after such time the certificate of need authorization expires. However, the agency may, in granting the certificate of need, allow longer periods of validity for certificates of need for good cause shown. Subsequent to granting the certificate of need, the agency may extend a certificate of need for a period upon application and good

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cause shown, accompanied by a nonrefundable reasonable filing fee, as prescribed by rule. A certificate of need authorization that has been extended expires at the end of the extended time period. The decision whether to grant an extension is within the sole discretion of the agency and is not subject to review, reconsideration, or appeal.

(d) If the time period authorized by a certificate of need has expired, then the certificate of need authorization is void. A revocation proceeding is not required. A license or occupancy approval shall not be issued by the department of health or the department of mental health and substance abuse services for an activity for which a certificate of need has become void.

(e) The agency's decision to approve or deny an application is final and shall not be reconsidered after the adjournment of the meeting in which the matter was considered. This subsection (e) does not limit the right to file a petition for a contested case hearing pursuant to § 68-11-1610, nor does it limit the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, pertaining to contested case hearings.

(f) Written notice of the agency decision approving, disapproving, or deferring an application, or parts of an application, must be transmitted to the applicant, simultaneous review applicants, the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, and others upon request

(g)

(1) A healthcare institution wishing to oppose a certificate of need application must be located within a thirty-five-mile radius of the location of the action proposed. A healthcare institution wishing to oppose an application for the establishment of a home care organization, the modification of a certificate of need issued to a home care organization, or the addition of counties to the licensed service area of an existing home care organization must have served patients in at least one (1) of the counties in the application's proposed service area within the seven hundred thirty (730) days immediately preceding the filing date of the certificate of need application, rather than demonstrate proximity within a thirty-five-mile radius of the location.

(2) Subject to subdivision (g)(1), a healthcare institution wishing to oppose a certificate of need application must file a written objection with the agency specifying reasons why one (1) or more of the criteria of subsection (b) are not satisfied. A healthcare institution wishing to oppose a certificate of need application must serve a copy to the contact person for the applicant, not later than fifteen (15) days before the agency meeting at which the application is originally scheduled. An application for which the agency has received opposition must be designated on the agency's agenda as an opposed application.

(3)

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(A) Subject to subdivision (g)(1), a healthcare institution wishing to oppose a certificate of need application may appear before the agency and express opposition to the application as long as the healthcare institution has submitted written opposition in accordance with subdivision (g)(2).

(B) This subsection (g) does not prohibit an individual acting in the individual's capacity as a private citizen from appearing before the agency and expressing opposition to an application.

(4) A healthcare institution or other person expressing opposition to an application does not have a veto over an application. The merits of opposition may be considered by the agency while determining whether to approve or deny a certificate of need application in whole or in part.

(h) The agency shall maintain continuing oversight over a certificate of need that it approves on or after July 1, 2016. Oversight by the agency includes requiring annual reports concerning appropriate quality measures as determined by the agency. The agency may impose conditions on a certificate of need that require the demonstration of compliance with quality measures as long as the conditions for quality measures are not more stringent than those measures identified by the applicant in the applicant's submitted application.

(i)

(1) Notwithstanding a law to the contrary, and except as provided in subdivision (i)(2), a certificate of need and activity the certificate authorizes becomes void if the actions the certificate authorizes have not been performed for a continuous period of one (1) year after the date the certificate of need is implemented. With respect to a home care organization, this subsection (i) applies to each county for which the home care organization is licensed. A revocation proceeding is not required. The department of health and the department of mental health and substance abuse services shall not issue or renew a license for an activity for which certificate of need authorization has become void.

(2)

(A) The agency may issue a temporary exemption to subdivision (i)(1) upon finding that sufficient cause for the temporary cessation of the activity has been presented to the agency along with a plan to resume the activity in the future.

(B) The agency shall prescribe the procedures for issuing temporary exemptions by rule.

(C) The agency's approval or denial of a temporary exemption is a final agency decision subject to appeal in the chancery court of Davidson County.

(3) This subsection (i) does not apply to the establishment of a healthcare institution or a healthcare institution's number of licensed

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beds if the healthcare institution has a license issued under this title, whether active or inactive.

(j) If an applicant's application is denied by the agency, then the agency shall provide to the applicant written documentation with an explanation of the factual and legal basis upon which the agency denied the certificate of need.

68-11-1610. Contested case hearings - Petition - Procedure - Arbitration and mediation alternatives - Orders - Costs.

(a) Within fifteen (15) days of the approval or denial by the agency of an application, an applicant, a healthcare institution that satisfied the requirements set forth in § 68-11-1609(g), or another person who objected to the application pursuant to § 68-11-1609(g)(2) or (g)(3), may petition the agency in writing for a hearing. The petition must be filed with the executive director. Notwithstanding another law, all persons are barred from filing a petition for a contested case hearing after the fifteen-day period, and the agency has no jurisdiction to consider a late-filed petition. Upon receipt of a timely filed petition, the agency shall initiate a contested case proceeding as provided in this section. At the hearing, no issue may be raised or evidence considered concerning the merits of an applicant considered by simultaneous review, unless the applicant met the requirements of this part, of concurrent consideration with the application that is the subject of the hearing.

(b) The contested case hearing required by this section must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except as otherwise provided in this section.

(c) Contested cases initiated pursuant to this section must be heard by an administrative law judge sitting alone. Petitions for contested cases received by the agency must be forwarded immediately to the administrative division of the secretary of state's office for assignment to an administrative law judge.

(d) The administrative law judge to whom a case has been assigned shall convene the parties for a scheduling conference within fifteen (15) days of the date the petition for contested case is filed. At the scheduling conference, the parties shall state their respective positions on the mediation alternative described in this section. If the parties are unable to agree on a mediation alternative, then the scheduling order for the contested case adopted by the administrative law judge must establish a schedule that results in a hearing completed within one hundred eighty (180) days of the date on which the petition for contested case was received by the agency, with the initial order to be entered within sixty (60) days of the date the hearing is completed. Extensions of time or variances from the scheduling order must be granted sparingly, and only because of unforeseen developments that would cause substantial prejudice to a party.

(e) As an alternative to the contested case process described in subsection (c), the parties may agree to mediation of the issues raised

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in the contested case. The mediator shall be designated by mutual agreement of the parties. The parties may designate a mediator who is not listed as a qualified Supreme Court Rule 31 mediator, but such mediator shall observe the standards of professional conduct set forth in Appendix A to Supreme Court Rule 31, to the extent applicable. The mediator's fee must be shared equally among the parties, except that the state is not required to contribute to payment of the mediator's fee. If mediation results in agreement of the parties, then the agreement must be memorialized in the order terminating the contested case. A mediation proceeding under this subsection (e) is not subject to the scheduling order requirements set forth in subsection (d).

(f) The general assembly declares the public policy of this state to be that certificate of need contested cases should be resolved through mediation, and the parties to such proceedings are encouraged to pursue this alternative.

(g) Judicial review of the agency's final order in a contested case is as provided by law.

(h) Costs of the contested case proceeding and appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs shall not be assessed against the agency.

(i) This section governs all contested cases relative to approval or denial decisions by the agency.

(j) If a person, who is not the applicant or the agency, seeks review of a decision in a contested case, then that person shall file an appeal fee equal to twenty-five percent (25%) of the examination fee for the application that was filed in the case.

68-11-1611. Review of progress - Revocation of certificate.

The agency shall, at least annually, review progress on a project covered by an issued certificate of need, and may require a showing by the holder of the certificate of substantial and timely progress to implement the project. If, in the opinion of the executive director, progress is lacking, then the executive director may present a petition for revocation of the certificate of need for the agency's consideration. The agency may revoke the certificate of need based upon a finding that the holder has not proceeded to implement the project in a timely manner.

68-11-1612. Enjoining violations - Jurisdiction.

(a) The agency, in addition to the powers and duties expressly granted by this part, is authorized and empowered to petition a circuit or chancery court having jurisdiction to enjoin a person who is performing any of the actions specified in this part without possessing a valid certificate of need.

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(b) Jurisdiction is conferred upon the circuit and the chancery courts of this state to hear and determine such causes as chancery causes, and to exercise full and complete jurisdiction in such injunctive proceedings.

68-11-1613. Appropriation/expenditures impact statement.

The division of TennCare or its successor, by the fifteenth of each month, shall submit to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis a statement reflecting the estimated impact on future state appropriations or expenditures of applications approved by the agency the preceding month.

68-11-1614. Information submitted to agency by commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities.

(a) The commissioner of health shall provide the agency with aggregate data from the hospital discharge database and ambulatory surgical treatment center discharge database within seven (7) business days from the commissioner's receipt of a request. The information must include aggregate data by state, county, or zip code, as requested. The information must not include patient identifiers that would lead to a patient's identity, such as name or street address. Information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain patient identifiers.

(b) The commissioner of mental health and substance abuse services shall provide the agency with aggregate data about nonresidential substitution-based treatment centers for opiate addiction licensed in this state within seven (7) business days from the commissioner's receipt of a request. The information must include aggregate data about patient origin by state, county, or zip code, as requested, at licensee treatment centers in this state. The information must not include patient identifiers that would lead to a patient's identity, such as name or street address. Information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain patient identifiers.

(c) The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities may submit written reports or statements and they may also send representatives to testify before the agency to inform the agency with respect to applications.

68-11-1615. Independent review and verification of information for joint annual report.

The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities shall establish policies and procedures to ensure independent review and verification of information submitted by healthcare providers for inclusion in the joint annual report.

PUBLIC CHAPTER NO. 557 (cont'd)**68-11-1616. Violations - Penalties.**

(a) The agency has the power and authority, after notice and an opportunity for a hearing, to impose a civil monetary penalty against a person who performs, offers to perform, or holds such person out as performing an activity for which a certificate of need is required, without first obtaining a valid certificate of need.

(b) The executive director shall initiate a civil penalty proceeding by filing a petition with the agency. The proceeding must be conducted as a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

(c) The civil penalty is in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day of continued activity or operation. Once a civil penalty has been imposed, the violator has the burden of submitting verifiable evidence satisfactory to the agency that the violator has discontinued the activity for which the civil penalty was imposed. The penalty begins to accrue on the date the agency notified the violator of the violation or violations, and continues to accrue until such evidence of discontinuance is received at the agency office.

(d) An appeal of a final order imposing a civil penalty must be conducted in accordance with the Uniform Administrative Procedures Act.

(e) In determining whether to impose a civil penalty and the amount of the penalty, the agency may consider the following factors:

(1) The economic benefits gained from the activities in question. The agency does not have to show that the violator would not have been granted a certificate of need had one been sought;

(2) Whether the civil penalty and the amount of the penalty will be a substantial economic deterrent to the violator and others;

(3) The circumstances leading to the violation, and whether the violator had notice that the activity was in violation of the certificate of need laws or agency regulations;

(4) The financial resources of the violator, and the violator's ability to pay the penalty; and

(5) The failure to meet a quality standard applicable to the violator.

68-11-1617. Revocation of certificate of need - Grounds.

In addition to other grounds for revocation provided by other statutes, rule of law, or equity, the agency has the power to revoke a certificate of need whenever the following has occurred:

(1) The holder of a certificate of need has not made substantial and timely progress toward the completion of the project or acquisition of the equipment;

(2) The acquisition or project as described in the person's application has been changed or altered in a manner that significantly

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deviates from the acquisition or project approved by the agency when the certificate of need was granted;

(3) The decision to issue a certificate of need was based, in whole or in part, on information or data in the application which was false, incorrect, or misleading, whether intentional or not;

(4) The holder of the certificate of need has committed fraud in obtaining the certificate of need or has committed fraud upon the agency after the certificate of need was issued. For purposes of this section, "fraud" means a form of deceit, trickery, misrepresentation, or subterfuge, including, but not limited to, the following actions:

(A) Making a knowingly false statement, orally or in writing, in connection with a certificate of need application or project subject to the jurisdiction of the agency;

(B) Intentionally withholding or suppressing information that the person knows, or reasonably should know, is relevant to a certificate of need application or project subject to the jurisdiction of the agency; or

(C) Altering, forging, or otherwise modifying, with fraudulent intent, a document submitted to the agency in connection with a certificate of need application or project subject to the jurisdiction of the agency; or

(5) The violation of a condition placed upon a certificate of need by the agency, prior to licensure by the department of health or department of mental health and substance abuse services.

68-11-1618. Nontransferability of certificate of need.

(a) Except as provided in this section, the transfer of a certificate of need renders the certificate of need and all rights under it void. As used in this section, "transfer" means the sale, assignment, lease, conveyance, purchase, grant, donation, gift, or other direct or indirect transfer of any nature whatsoever of a certificate of need. However, this section does not prohibit the transfer of a certificate of need in the following circumstances:

(1) If the transfer has been approved by the agency after the agency determines that the new holder of the certificate of need would provide health care that meets appropriate quality standards, and that the transfer would not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups; and

(2) If the certificate of need is transferred as part of the transfer of ownership of a licensed healthcare institution.

(b)

(1) With regard to a certificate of need for the establishment of a proposed new healthcare institution, a change of control of the entity prior to completion or licensing renders the certificate of need and all rights under it null and void. "Change of control" means:

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(A) In the case of a partnership, the termination of interest of a general partner;

(B) In the case of a limited liability company or limited liability partnership, a change in the composition of members or partners to the extent that the management or membership control is different than that described in the certificate of need application; and

(C) In the case of a corporation, the termination of interest of a shareholder or shareholders controlling more than fifty percent (50%) of the outstanding voting stock of the corporation.

(2) Subdivision (b)(1) does not prohibit change of control as described in subdivision (b)(1), if the agency determines, upon petition of the prospective owner or owners of the entity, that the prospective owner or owners demonstrate that they meet the criteria of economic feasibility, contribution of orderly development, and the considerations of § 68-11-1605.

(c) A certificate of need, and the rights under the certificate of need, are null and void if it is the subject of a development contract or agreement to sell or lease the facility that was not fully disclosed in the application.

68-11-1619. Application for medicare skilled nursing facility (SNF) beds. (a) During each fiscal year after June 30, 2020, until June 30, 2025, the agency shall not issue certificates of need for new nursing home beds, including the conversion of hospital beds to nursing home beds or swing beds, other than one hundred twenty-five (125) beds per fiscal year, to be certified as medicare skilled nursing facility (SNF) beds as authorized in this section.

(b) The number of medicare SNF beds issued under this section shall not exceed thirty (30) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide the skilled services. In reviewing applications, the agency shall consider the application without regard as to whether the applicant currently has medicare SNF beds. If the pool of one hundred twenty-five (125) medicare SNF beds created by this section is not depleted prior to June 30 of the fiscal year, then the beds remaining in the pool must be considered to be available to applicants who apply before June 30 of each fiscal year, even though review may occur after June 30 of that year.

68-11-1620. Account for disposition of fees - Budget.

(a) Fees and civil penalties authorized by this part must be paid by the health services and development agency or the collecting agency to the state treasurer and deposited in the state general fund and credited to a separate account for the agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying, and contested cases. Disbursements from that account may only be made for the purpose of defraying expenses incurred in the implementation and enforcement of this part by the agency. Funds remaining in the account at the end of a fiscal year do

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not revert to the general fund but remain available for expenditure in accordance with law.

(b) The agency shall prescribe fees by rule as authorized by this part. The fees must be in an amount that, in addition to the fees prescribed in subsection (c), provides for the cost of administering the implementation and enforcement of this part by the agency. The agency shall adjust the prescribed fees as necessary to provide that the account is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(c) The agency shall annually collect the following schedule of fees from healthcare providers, and the fees must be paid to the state treasurer and deposited in the state general fund and credited to the agency's separate account. The following schedule applies:

- (1) Residential hospice..... \$100 per license;
- (2) Nursing homes 1-50 beds..... \$500 per license;
- (3) Nursing homes 51-100 beds..... \$1,500 per license;
- (4) Nursing homes 101 + beds..... \$2,500 per license;
- (5) Hospitals 1-100 beds..... \$2,000 per license;
- (6) Hospitals 101-200 beds..... \$3,500 per license;
- (7) Hospitals 201 + beds..... \$5,000 per license;
- (8) Ambulatory surgical treatment centers..... \$2,000 per license;
- (9) Outpatient diagnostic centers..... \$2,000 per license;
- (10) Home care organizations authorized to provide home health services or hospice services.....\$500 per license;
- (11) Birthing Centers..... \$50 per license;
- (12) Nonresidential substitution-based treatment centers for opiate addiction.....\$500 per license;
- (13) Mental health residential treatment facilities..... \$100 per license;
- (14) Intellectual disability institutional habilitation facilities.....\$100 per license.

68-11-1621. Participation by local governing body in hearing for certificate of need application.

At a hearing conducted by the agency for a certificate of need application, if a local governing body requests to participate in the hearing, then the officials of the local governing body may appear

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before the agency and express support or opposition to the granting of a certificate of need to the applicant. The testimony of such officials is informational and advisory to the agency, and the support of the local governing body is not a requirement for the granting of a certificate of need by the agency.

68-11-1622. State health planning division of the department of health.

(a) There is created the state health planning division of the department of health. It is the purpose of the planning division to create a state health plan that is evaluated and updated at least annually. The plan guides the state in the development of healthcare programs and policies and in the allocation of healthcare resources in this state.

(b) It is the policy of this state that:

(1) Every citizen should have reasonable access to emergency and primary care;

(2) The state's healthcare resources should be developed to address the needs of Tennesseans while encouraging competitive markets, economic efficiencies, and the continued development of the state's healthcare industry;

(3) Every citizen should have confidence that the quality of health care is continually monitored and standards are adhered to by healthcare providers; and

(4) The state should support the recruitment and retention of a sufficient and quality healthcare workforce.

(c) The planning division is administratively staffed by the department of health in a manner that the department deems necessary for the performance of the planning division's duties and responsibilities, which may include contracting for the services provided by the division through a private person or entity.

(d) The duties and responsibilities of the planning division include:

(1) To develop and adopt a state health plan, which must include, at a minimum, guidance regarding allocation of this state's healthcare resources;

(2) To submit the state health plan to the governor for approval and adoption;

(3) To hold public hearings as needed;

(4) To review and evaluate the plan at least annually;

(5) To respond to requests for comment and recommendations for healthcare policies and programs;

(6) To conduct an ongoing evaluation of this state's resources for accessibility, including, but not limited to, financial, geographic, cultural, and quality of care;

(7) To review the health status of Tennesseans as presented annually to the planning division by the department of health, the department of mental health and substance abuse services, and the department of intellectual and developmental disabilities;

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(8) To review and comment on federal laws and regulations that influence the healthcare industry and the healthcare needs of Tennesseans;

(9) To involve and coordinate functions with state entities as necessary to ensure the coordination of state health policies and programs in this state;

(10) To prepare an annual report for the general assembly and recommend legislation for their consideration and study; and

(11) To establish a process for timely modification of the state health plan in response to changes in technology, reimbursement, and other developments that affect the delivery of health care.

68-11-1623. Replacement facility applications - Certificates of need for nursing home beds.

(a) A replacement facility application is an application that proposes to replace one (1) or more currently licensed nursing homes with one (1) single licensed nursing home.

(b) An application or portion of a replacement facility application that does not increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced must be reviewed by the department and considered by the agency pursuant to the criteria in § 68-11-1609(b), and shall not be considered new nursing home beds. In reviewing the application, the agency shall give preference to projects that propose replacement facilities because of building or life safety standard issues. The criteria of § 68-11-1619 do not apply to replacement facility applications.

(c) If a replacement facility application seeks to increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced, then that portion of the application that increases the number of beds must comply with § 68-11-1619, and is considered new nursing home beds. The remaining part of the application relative to the replacement of the facility or facilities must be reviewed by the department and considered under the criteria set out in subsection (b). In reviewing such an application, the agency shall give preference to projects that propose replacement facilities because of building or life safety standard issues.

(d) With regard to a certificate of need to replace a nursing home that has ceased operations, the original facility is not required to maintain its license after the certificate of need has been approved for the replacement facility.

68-11-1624. Delegation of authority to the department to issue new license to successor owner.

With regard to a healthcare facility that has been the subject of a change of control as defined by regulation, the board for licensing health care facilities in its discretion may delegate to the department the authority to issue a new license to the successor owner. The delegation of this authority is limited to circumstances where:

(1) The successor owner meets the qualifications for a license;

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(2) The healthcare facility has no outstanding license or certification deficiencies; and

(3) The successor owner already owns or controls at least one (1) other healthcare facility in this state.

68-11-1625. Development of measures for assessing quality of entities receiving certificate of need - Failure to meet quality measures - Penalties.

(a) In consultation with the department of health, the department of mental health and substance abuse services, and the department of intellectual and developmental disabilities, and subject to § 68-11-1609(h), the agency shall develop by rule measures for assessing quality for entities that, on or after July 1, 2016, receive a certificate of need under this part. In developing quality measures, the agency may seek the advice of stakeholders with respect to certificates of need for specific institutions or services.

(b) If the agency determines that an entity has failed to meet the quality measures developed under this section, then the agency shall refer that finding to the board for licensing health care facilities or the department of mental health and substance abuse services, whichever is appropriate, for appropriate action on the license of the entity under part 2 of this chapter.

(c) If the agency determines that an entity has failed to meet a quality measure imposed as a condition for a certificate of need by the agency, then the agency may impose penalties pursuant to § 68-11-1616 or revoke a certificate of need pursuant to § 68-11-1617.

68-11-1626. Renewal of license for closed hospitals in rural or distressed counties.

(a) Notwithstanding this part, a certificate of need is not required for the establishment of a hospital licensed under this title if:

(1) The hospital was previously licensed under this title or another hospital was previously licensed under this title at the proposed location;

(2) The hospital is located in a county:

(A) Designated by the department of economic and community development as a tier 2, tier 3, or tier 4 enhancement county pursuant to § 67-4-2109; or

(B) With a population less than forty-nine thousand (49,000), according to the 2010 federal census or a subsequent census;

(3) The last date of operations at the hospital, the hospital site service area, or proposed hospital site service area was no more than fifteen (15) years prior to the date on which the party seeking to establish the hospital submits information to the department pursuant to subsection (b); and

(4) The party seeking to establish the hospital applies for a certificate of need from the agency within twelve (12) months of the date on which the party submits information to the department pursuant to subsection (b).

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(b)

(1) Notwithstanding this part, the department may renew a license for a hospital meeting the criteria in subdivisions (a)(1)-(3) upon application by the party seeking to establish the hospital and finding that the hospital will operate in a manner that is substantially similar to the manner authorized under the previous hospital's license at the time of the previous hospital's closure.

(2) The department shall review and make a determination on an application submitted pursuant to subdivision (b)(1) and notify the applicant in writing of the determination within sixty (60) days of the date the applicant submits a completed application to the department. If the department determination is to deny the application, then the department must also provide to the applicant a written explanation detailing the reasons for the denial.

[4-29-242]

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a)(28), is amended by deleting the subdivision.

[4-29-244]

SECTION 3. Tennessee Code Annotated, Section 4-29-244(a)(1), is amended by deleting the subdivision.

[4-29-245; 68-11-203; 68-11-1604]

SECTION 4. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as new subdivisions:

() Board for licensing health care facilities, created by § 68-11-203;

() Health services and development agency, created by § 68-11-1604;

SECTION 5. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[68-11-1607]

SECTION 6. Tennessee Code Annotated, Section 68-11-1607(a)(3), is amended by deleting the subdivision and substituting:

(3) In the case of a healthcare institution, a change in the bed complement, regardless of cost, that:

(A) Increases by one (1) or more the number of nursing home beds;

(B) Redistributes beds from any category to acute, rehabilitation, or long-term care, if at the time of redistribution the healthcare institution does not have beds licensed for the category to which the beds will be redistributed; or

(C) Relocates beds to another facility or site;

PUBLIC CHAPTER NO. 557 (cont'd)**[68-11-1609]**

SECTION 7. Tennessee Code Annotated, Section 68-11-1609(b), is amended by deleting the language “During each fiscal year after June 30, 2016, until June 30, 2021” and substituting the language “During each fiscal year after June 30, 2020, until June 30, 2025”.

[68-11-1609]

SECTION 8. Tennessee Code Annotated, Section 68-11-1609(c), is amended by deleting the language “not to exceed three (3) years for hospital projects” and substituting the language “not to exceed three (3) years for hospital and nursing home projects”.

[68-11-1622]

SECTION 9. Tennessee Code Annotated, Section 68-11-1622(a), is amended by deleting the language “During each fiscal year after June 30, 2016, until June 30, 2021” and substituting the language “During each fiscal year after June 30, 2020, until June 30, 2025”.

[68-11-1628]

SECTION 10. Tennessee Code Annotated, Section 68-11-1628, is amended by deleting the section.

[68-11-1629]

SECTION 11. Tennessee Code Annotated, Section 68-11-1629, is amended by deleting the section.

[68-11-1630]

SECTION 12. Tennessee Code Annotated, Section 68-11-1631, is amended by deleting the section.

[68-11-1631]

SECTION 13. Tennessee Code Annotated, Section 68-11-1632, is amended by deleting the section.

[68-11-1632]

SECTION 14. Tennessee Code Annotated, Section 68-11-1634, is amended by deleting the section.

[Effective date 5/26/2021]**SECTION 15.**

(a) For the purpose of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it.

(b) Sections 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this act take effect upon becoming a law, the public welfare requiring it.

(c) Sections 1, 2, 3, 4, and 5 of this act take effect October 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 558**HOUSE BILL NO. 975****By Representatives Williams, Camper, Love**

Substituted for: Senate Bill No. 679

By Senator Lundberg

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 3 and Title 67, Chapter 6, relative to taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-3-202]

SECTION 1. Tennessee Code Annotated, Section 7-3-202(a)(3), is amended by deleting the following:

means a structure with seats for not less than thirty thousand (30,000) spectators, which is constructed after July 7, 1977, and which and substituting instead the following:

means a structure that is constructed or improved after July 7, 1977, to contain seats for not less than thirty thousand (30,000) spectators, and that

[67-6-103]

SECTION 2. Tennessee Code Annotated, Section 67-6-103(d)(1)(A), is amended by adding the following new subdivision:

(vi) Notwithstanding the allocations provided for in subsection (a), in a municipality with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, with a motor sports facility less than one (1) mile in circumference, and only if the municipality or any board or instrumentality of the municipality reimburses the state for any costs to reallocate apportionments of the tax revenue under this section, then an amount must be apportioned and distributed to the municipality equal to the amount of state tax revenue derived from the sale of admissions to all events occurring at the motor sports facility and from all sales of food, drinks, merchandise, and parking, which includes parking of recreational vehicles and other vehicles, regardless of whether such vehicles are used for overnight accommodations or connected to electric and water services, sold from a location on the premises of the motor sports facility in conjunction with an event occurring at the motor sports facility. The amount distributed to the municipality must be for the exclusive use of the agency formally designated by the municipality to govern the operations of the motor sports facility and must be utilized exclusively for capital and operation expenses associated with the motor sports facility.

PUBLIC CHAPTER NO. 558 (cont'd)

[67-6-712]

SECTION 3. Tennessee Code Annotated, Section 67-6-712(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Notwithstanding the allocations provided for in subsection (a), in a municipality with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, with a motor sports facility less than one (1) mile in circumference, and only if the municipality or any board or instrumentality of the municipality reimburses the state for any costs to reallocate apportionments of the tax revenue under this section, then an amount must be apportioned and distributed to the municipality equal to the amount of local tax revenue derived from the sale of admissions to all events occurring at the motor sports facility and from all sales of food, drinks, merchandise, and parking, which includes parking of recreational vehicles and other vehicles, regardless of whether such vehicles are used for overnight accommodations or connected to electric and water services, sold from a location on the premises of the motor sports facility in conjunction with an event occurring at the motor sports facility. The amount distributed to the municipality must be for the exclusive use of the agency formally designated by the municipality to govern the operations of the motor sports facility and must be utilized exclusively for capital and operation expenses associated with the motor sports facility.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 559

HOUSE BILL NO. 1011

By Representative Gary Hicks

Substituted for: Senate Bill No. 608

By Senators Watson, Pody, Stevens

AN ACT to amend Tennessee Code Annotated, Title 67, relative to taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[67-4-2015]

SECTION 1. Tennessee Code Annotated, Section 67-4-2015(h)(1)(A), is amended by deleting the language “six (6) months” and substituting instead the language “seven (7) months”.

[Effective date 12/1/2023]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to tax years beginning on or after January 1, 2021.

PUBLIC CHAPTER NO. 560

HOUSE BILL NO. 1039

By Representatives Vaughan, Eldridge, Grills, Hall, Jerry Sexton,
Zachary, Hurt, Ogles, Bricken, Smith, Reedy, Helton, White, Todd,
Littleton, Alexander, Marsh, Weaver, Gillespie, Mannis

Substituted for: Senate Bill No. 1402

By Senators Lundberg, Yager, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 50 and Title 56,
relative to employment security.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[50-7-301]

SECTION 1. Tennessee Code Annotated, Section 50-7-301(b), is amended
by deleting the benefit table and substituting:

BENEFIT TABLE

(Effective for benefit years established on and after July 5, 1992)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 780.01 through \$ 806.00	\$55.00
806.01 through 832.00	56.00
832.01 through 858.00	57.00
858.01 through 884.00	58.00
884.01 through 910.00	59.00
910.01 through 936.00	60.00
936.01 through 962.00	61.00
962.01 through 988.00	62.00
988.01 through 1,014.00	63.00
1,014.01 through 1,040.00	64.00
1,040.01 through 1,066.00	65.00
1,066.01 through 1,092.00	66.00
1,092.01 through 1,118.00	67.00
1,118.01 through 1,144.00	68.00
1,144.01 through 1,170.00	69.00
1,170.01 through 1,196.00	70.00
1,196.01 through 1,222.00	71.00

1,222.01 through 1,248.00	72.00
1,248.01 through 1,274.00	73.00
1,274.01 through 1,300.00	74.00
1,300.01 through 1,326.00	75.00
1,326.01 through 1,352.00	76.00
1,352.01 through 1,378.00	77.00
1,378.01 through 1,404.00	78.00
1,404.01 through 1,430.00	79.00
1,430.01 through 1,456.00	80.00
1,456.01 through 1,482.00	81.00
1,482.01 through 1,508.00	82.00
1,508.01 through 1,534.00	83.00
1,534.01 through 1,560.00	84.00
1,560.01 through 1,586.00	85.00
1,586.01 through 1,612.00	86.00
1,612.01 through 1,638.00	87.00
1,638.01 through 1,664.00	88.00
1,664.01 through 1,690.00	89.00
1,690.01 through 1,716.00	90.00
1,716.01 through 1,742.00	91.00
1,742.01 through 1,768.00	92.00
1,768.01 through 1,794.00	93.00
1,794.01 through 1,820.00	94.00
1,820.01 through 1,846.00	95.00
1,846.01 through 1,872.00	96.00
1,872.01 through 1,898.00	97.00
1,898.01 through 1,924.00	98.00
1,924.01 through 1,950.00	99.00
1,950.01 through 1,976.00	100.00
1,976.01 through 2,002.00	101.00
2,002.01 through 2,028.00	102.00
2,028.01 through 2,054.00	103.00
2,054.01 through 2,080.00	104.00
2,080.01 through 2,106.00	105.00
2,106.01 through 2,132.00	106.00
2,132.01 through 2,158.00	107.00
2,158.01 through 2,184.00	108.00
2,184.01 through 2,210.00	109.00

2,210.01 through 2,236.00	110.00
2,236.01 through 2,262.00	111.00
2,262.01 through 2,288.00	112.00
2,288.01 through 2,314.00	113.00
2,314.01 through 2,340.00	114.00
2,340.01 through 2,366.00	115.00
2,366.01 through 2,392.00	116.00
2,392.01 through 2,418.00	117.00
2,418.01 through 2,444.00	118.00
2,444.01 through 2,470.00	119.00
2,470.01 through 2,496.00	120.00
2,496.01 through 2,522.00	121.00
2,522.01 through 2,548.00	122.00
2,548.01 through 2,574.00	123.00
2,574.01 through 2,600.00	124.00
2,600.01 through 2,626.00	125.00
2,626.01 through 2,652.00	126.00
2,652.01 through 2,678.00	127.00
2,678.01 through 2,704.00	128.00
2,704.01 through 2,730.00	129.00
2,730.01 through 2,756.00	130.00
2,756.01 through 2,782.00	131.00
2,782.01 through 2,808.00	132.00
2,808.01 through 2,834.00	133.00
2,834.01 through 2,860.00	134.00
2,860.01 through 2,886.00	135.00
2,886.01 through 2,912.00	136.00
2,912.01 through 2,938.00	137.00
2,938.01 through 2,964.00	138.00
2,964.01 through 2,990.00	139.00
2,990.01 through 3,016.00	140.00
3,016.01 through 3,042.00	141.00
3,042.01 through 3,068.00	142.00
3,068.01 through 3,094.00	143.00
3,094.01 through 3,120.00	144.00
3,120.01 through 3,146.00	145.00
3,146.01 through 3,172.00	146.00
3,172.01 through 3,198.00	147.00

3,198.01 through 3,224.00	148.00
3,224.01 through 3,250.00	149.00
3,250.01 through 3,276.00	150.00
3,276.01 through 3,302.00	151.00
3,302.01 through 3,328.00	152.00
3,328.01 through 3,354.00	153.00
3,354.01 through 3,380.00	154.00
3,380.01 through 3,406.00	155.00
3,406.01 through 3,432.00	156.00
3,432.01 through 3,458.00	157.00
3,458.01 through 3,484.00	158.00
3,484.01 through 3,510.00	159.00
3,510.01 through 3,536.00	160.00
3,536.01 through 3,562.00	161.00
3,562.01 through 3,588.00	162.00
3,588.01 through 3,614.00	163.00
3,614.01 through 3,640.00	164.00
3,640.01 through 3,666.00	165.00
3,666.01 through 3,692.00	166.00
3,692.01 through 3,718.00	167.00
3,718.01 through 3,744.00	168.00
3,744.01 through 3,770.00	169.00
3,770.01 through 3,796.00	170.00
3,796.01 through 3,822.00	171.00
3,822.01 through 3,848.00	172.00
3,848.01 through 3,874.00	173.00
3,874.01 through 3,900.00	174.00
3,900.01 through 3,926.00	175.00
3,926.01 through 3,952.00	176.00
3,952.01 through 3,978.00	177.00
3,978.01 through 4,004.00	178.00
4,004.01 through 4,030.00	179.00
4,030.01 through 4,056.00	180.00
4,056.01 through 4,082.00	181.00
4,082.01 through 4,108.00	182.00
4,108.01 through 4,134.00	183.00
4,134.01 through 4,160.00	184.00
4,160.01 through 4,186.00	185.00

4,186.01 through 4,212.00	186.00
4,212.01 through 4,238.00	187.00
4,238.01 through 4,264.00	188.00
4,264.01 through 4,290.00	189.00
4,290.01 through 4,316.00	190.00
4,316.01 through 4,342.00	191.00
4,342.01 through 4,368.00	192.00
4,368.01 through 4,394.00	193.00
4,394.01 through 4,420.00	194.00

(Effective for Benefit Years Established on or after July 4, 1993)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$4,420.01 through \$ 4,446.00	\$220.00
4,446.01 through 4,472.00	221.00
4,472.01 through 4,498.00	222.00
4,498.01 through 4,524.00	223.00
4,524.01 through 4,550.00	224.00
4,550.01 through 4,576.00	225.00
4,576.01 through 4,602.00	226.00
4,602.01 through 4,628.00	227.00
4,628.01 through 4,654.00	228.00
4,654.01 through 4,680.00	229.00
4,680.01 through 4,706.00	230.00
4,706.01 through 4,732.00	231.00
4,732.01 through 4,758.00	232.00
4,758.01 through 4,784.00	233.00
4,784.01 through 4,810.00	234.00
4,810.01 through 4,836.00	235.00

(Effective for Benefit Years Established on or after July 3, 1994)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 4,836.01 through \$ 4,862.00	\$236.00
4,862.01 through 4,888.00	237.00
4,888.01 through 4,914.00	238.00
4,914.01 through 4,940.00	239.00

4,940.01 through 4,966.00	240.00
4,966.01 through 4,992.00	241.00
4,992.01 through 5,018.00	242.00
5,018.01 through 5,044.00	243.00
5,044.01 through 5,070.00	244.00
5,070.01 through 5,096.00	245.00
5,096.01 through 5,122.00	246.00
5,122.01 through 5,148.00	247.00
5,148.01 through 5,174.00	248.00
5,174.01 through 5,200.00	249.00

(Effective for Benefit Years Established on or after July 7, 1996)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 5,200.01 through \$ 5,226.00	\$250.00
5,226.01 through 5,252.00	251.00
5,252.01 through 5,278.00	252.00
5,278.01 through 5,304.00	253.00
5,304.01 through 5,330.00	254.00
5,330.01 through 5,356.00	255.00
5,356.01 through 5,382.00	256.00
5,382.01 through 5,408.00	257.00
5,408.01 through 5,434.00	258.00
5,434.01 through 5,460.00	259.00
5,460.01 through 5,486.00	260.00
5,486.01 through 5,512.00	261.00
5,512.01 through 5,538.00	262.00
5,538.01 through 5,564.00	263.00
5,564.01 through 5,590.00	264.00
5,590.01 through 5,616.00	265.00
5,616.01 through 5,642.00	266.00
5,642.01 through 5,668.00	267.00
5,668.01 through 5,694.00	268.00
5,694.01 through 5,720.00	269.00
5,720.01 through 5,746.00	270.00

(Effective for Benefit Years Established on or after July 6, 1997)

COLUMN A	COLUMN B
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Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$5,746.01 through \$ 5,772.00	\$271.00
5,772.01 through 5,798.00	272.00
5,798.01 through 5,824.00	273.00
5,824.01 through 5,850.00	274.00
5,850.01 through 5,876.00	275.00
5,876.01 through 5,902.00	276.00
5,902.01 through 5,928.00	277.00
5,928.01 through 5,954.00	278.00
5,954.01 through 5,980.00	279.00
5,980.01 through 6,006.00	280.00
6,006.01 through 6,032.00	281.00
6,032.01 through 6,058.00	282.00
6,058.01 through 6,084.00	283.00
6,084.01 through 6,110.00	284.00
6,110.01 through 6,136.00	285.00
6,136.01 through 6,162.00	286.00
6,162.01 through 6,188.00	287.00
6,188.01 through 6,214.00	288.00
6,214.01 through 6,240.00	289.00
6,240.01 through 6,266.00	290.00

(Effective for Benefit Years Established on or after July 5, 1998)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 6,266.01 through \$ 6,292.00	\$291.00
6,292.01 through 6,318.00	292.00
6,318.01 through 6,344.00	293.00
6,344.01 through 6,370.00	294.00
6,370.01 through 6,396.00	295.00
6,396.01 through 6,422.00	296.00
6,422.01 through 6,448.00	297.00
6,448.01 through 6,474.00	298.00
6,474.01 through 6,500.00	299.00
6,500.01 through 6,526.00	300.00
6,526.01 through 6,552.00	301.00
6,552.01 through 6,578.00	302.00

6,578.01 through 6,604.00	303.00
6,604.01 through 6,630.00	304.00
6,630.01 through 6,656.00	305.00

(Effective for Benefit Years Established on or after August 5, 2001)

COLUMN A	COLUMN B
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$6,656.01 through \$ 6,682.00	\$306.00
6,682.01 through 6,708.00	307.00
6,708.01 through 6,734.00	308.00
6,734.01 through 6,760.00	309.00
6,760.01 through 6,786.00	310.00
6,786.01 through 6,812.00	311.00
6,812.01 through 6,838.00	312.00
6,838.01 through 6,864.00	313.00
6,864.01 through 6,890.00	314.00
6,890.01 through 6,916.00	315.00
6,916.01 through 6,942.00	316.00
6,942.01 through 6,968.00	317.00
6,968.01 through 6,994.00	318.00
6,994.01 through 7,020.00	319.00
7,020.01 through 7,046.00	320.00
7,046.01 through 7,072.00	321.00
7,072.01 through 7,098.00	322.00
7,098.01 through 7,124.00	323.00
7,124.01 through 7,150.00	324.00
7,150.01 and over	325.00

[50-7-301]

SECTION 2. Tennessee Code Annotated, Section 50-7-301, is amended by deleting subsection (d) and substituting:

(d) Maximum Benefits.

(1) Beginning with those benefit years established on July 4, 1983, and ending November 30, 2023, a claimant is eligible during a benefit year to a total amount of benefits equal to whichever is the lesser of:

(A) Twenty-six (26) times the claimant's weekly benefit amount; or

(B) One-fourth (1/4) of the claimant's wages for insured work paid.

(2) Beginning with those benefit years established on December 1, 2023, a claimant is eligible during a benefit year to a total amount of benefits:

(A) Equal to:

(i) Twelve (12) weeks, if the state average unemployment rate is at or below five and five-tenths percent (5.5%); and

(ii) An additional week in addition to the twelve (12) weeks described in subdivision (d)(2)(A)(i) for each five-tenths percent (0.5%) increment in the state's average unemployment rate above five and five-tenths percent (5.5%); and

(B) Up to a maximum of twenty (20) weeks if the state's average unemployment rate exceeds nine percent (9%).

(3)

(A) The total amount of benefits, if not a multiple of one dollar (\$1.00), must be computed at the next lower multiple of one dollar (\$1.00).

(B) A claimant is not entitled to benefits if the claimant's base period earnings are less than forty (40) times the claimant's weekly benefit amount.

(C) A claimant is not entitled to benefits if the claimant's base period earnings, outside the claimant's highest calendar quarter of earnings, are less than the lesser of six (6) times the claimant's weekly benefit amount or nine hundred dollars (\$900).

(4)

(A) For purposes of subdivision (d)(2)(A), the department shall determine the state average unemployment rate biannually, and the rate must be equal to the seasonally adjusted unemployment rate, as published by the United States department of labor.

(B) Notwithstanding subdivision (d)(2)(A), a claimant's maximum eligibility shall not be reduced or increased during a benefit year for a claim.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[Effective date 12/1/2023]

SECTION 4. Section 1 and Section 2 take effect December 1, 2023, the public welfare requiring it; all other provisions of this act take effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 561

HOUSE BILL NO. 1042

By Representatives Keisling, Williams

Substituted for: Senate Bill No. 1586

By Senator Bailey

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to economically distressed counties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-104]

SECTION 1. Tennessee Code Annotated, Section 67-6-104(b)(3), is amended by deleting the following:

(C) On or after January 1, 2021, a county that borders at least three (3) distressed rural counties identified pursuant to subdivision (b)(3)(B);

and substituting instead the following:

(C) On or after January 1, 2021, a county that borders at least three (3) distressed rural counties, as identified pursuant to subdivision (b)(3)(B), in at least three (3) fiscal years since fiscal year 2016-2017, and whose governing body, or the governing body of a municipality within the county, passed a resolution or other official action prior to January 1, 2021, that seeks to establish or certify a commercial development district within the county or municipality and receive an allocation of sales and use tax revenues under this section;

[Effective date 5/26/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 562**HOUSE BILL NO. 1046****By Representatives Zachary, Hazlewood**

Substituted for: Senate Bill No. 993

By Senators Gardenhire, Powers, Yager

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 8; Title 9; Title 12 and Title 49, relative to acquisition of goods and services by the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[3-7-112]

SECTION 1. Tennessee Code Annotated, Section 3-7-112(c), is amended by adding the following new subdivision:

() Noncompetitive procurement agreements, including grants and contracts, to procure non-research-related goods or services from entities that are not governmental entities;

[4-56-107]

SECTION 2. Tennessee Code Annotated, Section 4-56-107(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) All requests of the procuring agency to procure goods or services through a noncompetitive contract must be contemporaneously filed with the fiscal review committee of the general assembly, comptroller of the treasury, and the chief procurement officer. For purposes of this section, "noncompetitive contract" includes any procurement arrangement, including, but not limited to, a grant or contract, but does not include a grant or contract awarded to a:

(A) Public institution of higher education to procure research or public service-related goods or services; or

(B) Governmental entity, including, but not limited to, a local government.

(2) If review is required pursuant to subsection (a), the procuring agency shall provide the request to the fiscal review committee, which must include the following:

(A) Description of the goods or services to be acquired;

(B) Explanation of the need for or requirement to acquire the goods or services;

(C) Name and address of the proposed contractor's principal owner;

PUBLIC CHAPTER NO. 562 (cont'd)

(D) Evidence that the proposed contractor has experience in providing the same or similar goods or services and evidence of the length of time the contractor has provided the same or similar goods or services;

(E) Explanation of whether the goods or services were purchased by the procuring agency in the past and, if applicable, the method used to purchase the goods or services and the name and address of the contractor;

(F) Description of the procuring agency's efforts to use existing state employees and resources or, in the alternative, to identify reasonable and competitive procurement alternatives, rather than to use noncompetitive negotiation;

(G) Justification of why the goods or services should be acquired through noncompetitive negotiation; and

(H) Any additional information that the fiscal review committee may direct the procuring agency to provide that will assist the committee in evaluating the contract.

[4-56-107]

SECTION 3. Tennessee Code Annotated, Section 4-56-107, is amended by adding the following new subsection:

(c)

(1) No later than the first business day of each calendar month, the chief procurement officer shall report to the director of the fiscal review committee the following information for the prior calendar month:

(A) An itemized listing of all contracts, grants, or any other noncompetitive procurement means that were awarded the previous month; and

(B) Any policy, procedure, or rule change to the state procurement processes planned for the following month.

(2) The reports required pursuant to subdivision (c)(1) must include the name of the department or agency for which the procurement is being made, the name and contact information for the vendor, identification of the goods or services being procured, the term on the procurement method, as well as any expenditures and revenue associated with the procurement.

[8-50-501]

SECTION 4. Tennessee Code Annotated, Section 8-50-501(a), is amended by adding the following as a new subdivision:

(i) The chief procurement officer appointed pursuant to § 4-56-104;

PUBLIC CHAPTER NO. 562 (cont'd)

[12-3-504]

SECTION 5. Tennessee Code Annotated, Section 12-3-504, is amended by deleting the section and substituting instead the following:

(a) The chief procurement officer may identify goods or services that may not be procured by competitive means because of the existence of a single source of supply.

(b) The chief procurement officer must submit to the procurement commission for approval rules, policies, and procedures prescribing the manner in which such procurements may be accomplished, which may include noncompetitive negotiation.

(c) Goods or services that may not be procured by competitive means because of the existence of a single source of supply must be purchased in accordance with rules, policies, and procedures approved by the procurement commission.

[12-4-104]

SECTION 6. Tennessee Code Annotated, Section 12-4-104, is amended by deleting subsection (a) and substituting instead:

It is an offense for a public employee involved in negotiating a procurement agreement to accept employment with any person or entity with whom the employee dealt in an official capacity on behalf of the state concerning the procurement agreement for a period of twenty-four (24) months from the ending of the procurement agreement or one (1) year immediately following departure from employment as the public officer or employee, whichever occurs first. For purposes of this section, "procurement agreement" means any agreement to procure goods or services, including, but not limited to, a contract or grant, but does not include a contract or grant by a public institution of higher education to procure research or public service-related goods or services.

[Effective date 5/26/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it, and applies to procurements and actions related to procurements occurring thirty (30) days after the effective date of this act.

PUBLIC CHAPTER NO. 563**HOUSE BILL NO. 1047**

By Mr. Speaker Sexton and Representatives Russell, Lamberth, Doggett, Curcio, Garrett, Moody, Gant, Faison, Howell, Jerry Sexton, Griffey, Sparks, Hazlewood, Sherrell, Hardaway, Reedy, Smith, Todd, Littleton, Jernigan, Terry, Whitson

Substituted for: Senate Bill No. 717

By Mr. Speaker McNally and Senators Bell, White, Rose, Stevens, Jackson

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 9; Title 37; Title 38; Title 39; Title 40; Title 41 and Title 55, relative to criminal justice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-35-501]

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) Notwithstanding any provisions of this section to the contrary, there shall be no release eligibility for a person committing an offense, on or after July 1, 2021, that is enumerated in subdivision (x)(2). The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(2) The offenses to which subdivision (x)(1) applies are:

- (A) Female genital mutilation, as defined in § 39-13-110;
- (B) Domestic assault, as defined in § 39-13-111, when the offense is a felony offense;
- (C) Trafficking for a commercial sex act, as defined in § 39-13-309;
- (D) Advertising commercial sexual abuse of a minor, as defined in § 39-13-315;
- (E) Rape, as defined in § 39-13-503;
- (F) Aggravated sexual battery, as defined in § 39-13-504;
- (G) Sexual battery, as defined in § 39-13-505;
- (H) Aggravated statutory rape, as defined in § 39-13-506(c);
- (I) Indecent exposure, as defined in § 39-13-511, when the offense is a felony offense;

PUBLIC CHAPTER NO. 563 (cont'd)

- (J) Patronizing prostitution, as defined in § 39-13-514(b) (3);
- (K) Promoting prostitution, as defined in § 39-13-515;
- (L) Public indecency, as defined in § 39-13-517(d)(3);
- (M) Continuous sexual abuse of a child, as defined in § 39-13-518;
- (N) Sexual battery by an authority figure, as defined in § 39-13-527;
- (O) Solicitation of a minor, as defined in § 39-13-528, when the offense is a felony offense;
- (P) Soliciting sexual exploitation of a minor, as defined in § 39-13-529;
- (Q) Statutory rape by an authority figure, as defined in § 39-13-532;
- (R) Promoting travel for prostitution, as defined in § 39-13-533;
- (S) Unlawful photographing in violation of privacy, as defined in § 39-13-605, when the victim is under thirteen (13) years of age;
- (T) Observation without consent, as defined in § 39-13-607(d)(2);
- (U) Incest, as defined in § 39-15-302;
- (V) Child abuse or child neglect or endangerment, as defined in § 39-15-401;
- (W) Aggravated child abuse or aggravated child endangerment or neglect, as defined in § 39-15-402;
- (X) Using a minor to produce, import, prepare, distribute, process, or appear in obscene material, as defined in § 39-17-902(b);
- (Y) Unlawful sale, distribution, or transportation with intent to sell or distribute of a child-like sex doll, as defined in § 39-17-910(f);
- (Z) Sexual exploitation of a minor, as defined in § 39-17-1003;
- (AA) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004;
- (BB) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005;
- (CC) Conspiracy, under § 39-12-103, to commit any of the offenses listed in this subdivision (x)(2);
- (DD) Criminal attempt, under § 39-12-101, to commit any of the offenses listed in this subdivision (x)(2); or
- (EE) Solicitation, under § 39-12-102, to commit any of the offenses listed in this subdivision (x)(2).

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

PUBLIC CHAPTER NO. 564**HOUSE BILL NO. 1072****By Representatives Curcio, Gillespie**

Substituted for: Senate Bill No. 915

By Senator Kelsey

AN ACT to amend Tennessee Code Annotated, Title 1; Title 5; Title 6; Title 7; Title 8; Title 9; Title 20; Title 27; Title 28; Title 29; Title 47 and Title 49, relative to actions against the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[27-1-101]

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, is amended by adding the following language as a new section:

In an action brought against this state, a department or agency of this state, or an official of this state in their official capacity that challenges the constitutionality of a state statute, the state may appeal as of right from an interlocutory order of a circuit or chancery court of this state that:

- (1) Grants, continues, or modifies an injunction; or
- (2) Denies a motion to dissolve or modify an injunction.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to all causes of action arising on or after that date.

PUBLIC CHAPTER NO. 565**HOUSE BILL NO. 1080**

**By Representatives Jerry Sexton, Russell, Hall, Cochran, Ramsey,
Ragan, Sherrell, Smith**

Substituted for: Senate Bill No. 671

By Senators Bell, Niceley, Bowling, Crowe, Reeves, Yager

AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 38; Title 48; Title 49; Title 53; Title 55; Title 56; Title 63; Title 68 and Title 71, relative to medical professionals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-29-242]

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a)(10), is amended by deleting the subdivision.

[4-29-245; 63-19-103]

SECTION 2. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as a new subdivision:

Board of physician assistants, created by § 63-19-103;

[49-4-939]

SECTION 3. Tennessee Code Annotated, Section 49-4-939(i), is amended by deleting "committee on physician assistants" and substituting "board of physician assistants".

[53-10-303]

SECTION 4. Tennessee Code Annotated, Section 53-10-303(a)(1)(H), is amended by deleting "board of medical examiners' committee on physician assistants" and substituting "board of physician assistants".

[63-1-162]

SECTION 5. Tennessee Code Annotated, Section 63-1-162(a)(7), is amended by deleting "board of medical examiners' committee on physician assistants" and substituting "board of physician assistants".

[T. 63, ch. 19, part 1; 63-19-101; 63-19-102; 63-19-103; 63-19-104; 63-19-105; 63-19-106; 63-19-107; 63-19-108; 63-19-109; 63-19-110; 63-19-111; 63-19-112; 63-19-113; 63-19-114; 63-19-115; T. 63, ch. 19, part 1; 63-19-101; 63-19-102; 63-19-103; 63-19-104; 63-19-105; 63-19-106; 63-19-107; 63-19-108; 63-19-109; 63-19-110; 63-19-111; 63-19-112; 63-19-113; 63-19-114; 63-19-115; T. 63, ch. 19, part 1; 63-19-101; 63-19-102; 63-19-103; 63-19-104; 63-

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19-105; 63-19-106; 63-19-107; 63-19-108; 63-19-109; 63-19-110; 63-19-111; 63-19-112; 63-19-113; 63-19-114; 63-19-115]

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 19, Part 1, is amended by deleting the part and substituting:

63-19-101. Short title.

This part is known and may be cited as the "Physician Assistants Act."

63-19-102. Part definitions.

As used in this part:

(1) "Board" means the board of physician assistants, created by § 63-19- 103;

(2) "Orthopedic physician assistant" (OPA-C) means an individual who renders service in collaboration with a licensed orthopedic physician or surgeon and who has been licensed by the board of physician assistants pursuant to this chapter as an orthopedic physician assistant;

(3) "Physician" means an individual lawfully licensed to practice medicine and surgery pursuant to chapter 6 of this title, osteopathic medicine pursuant to chapter 9 of this title, or podiatry pursuant to chapter 3 of this title; and

(4) "Physician assistant" means an individual who is licensed to render services, whether diagnostic or therapeutic, that are acts constituting the practice of medicine or osteopathic medicine and who meets the qualifications defined in this part.

63-19-103. Board of physician assistants.

(a)

(1) There is established the board of physician assistants to regulate physician assistants. The board must consist of nine (9) members appointed by the governor, each of whom is a resident of this state, seven (7) of whom are physician assistants who meet the criteria for licensure as established by this part, one (1) of whom is a physician licensed under chapter 6 or 9 of this title, and one (1) of whom is a public member who is not licensed under this title.

(2) On the date this act becomes law for the purposes of the board being established, those members who are currently serving as members of the board of medical examiners' committee on physician assistants will become members of the board of physician assistants, except that any current member who is an orthopedic physician assistant will not become a member of the board of physician assistants pursuant to this subdivision (a)(2).

(b)

(1) Except as provided in subdivision (b)(2), each regular appointment is for a term of four (4) years. The governor shall fill a vacant term for the balance of the unexpired term. A member shall not serve more than two (2) consecutive four-year terms and each member

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shall serve on the board until a successor is appointed. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(2)

(A) The former committee members' board appointments are four (4) years from the date the members were appointed to serve as members of the physician assistant committee.

(B) The former committee members shall not serve more than two (2) consecutive four-year terms, including the time served on the board of medical examiners' committee on physician assistants.

(C) The governor shall appoint one (1) board member with an initial term of one (1) year, one (1) board member with an initial term of two (2) years, and one (1) board member with an initial term of three (3) years. After the initial terms described in this subdivision (b) (2)(C), each term shall be four (4) years.

(c) While engaged in the business of the board, board members shall receive a per diem of one hundred dollars (\$100) and shall also receive compensation for actual expenses to be paid in accordance with comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(d) The board shall elect a chair and secretary from among its members at the first meeting held in each fiscal year. A board meeting may be called upon reasonable notice in the discretion of the chair and must be called at any time upon reasonable notice by a petition of three (3) board members to the chair.

(e)

(1) On the date this act becomes law for purposes of the board being established, the secretary of state shall transfer the rules of the board of medical examiners' committee on physician assistants, including Chapter 0880-03, general rules governing the practice of a physician assistant, and Chapter 0880- 10, general rules governing the practice of an orthopedic physician assistant, to the board of physician assistants.

(2) The rules of the board of medical examiners' committee on physician assistants Chapters 0880-03 and 0880-10 will have full force and effect for the board of physician assistants until the board of physician assistants promulgates its own rules pursuant to this act and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) The board of physician assistants is granted full power and authority to oversee and regulate physician assistants under the rules of the board of medical examiners' committee on physician assistants chapters 0880-03 and 0880-10 and the statutes and policies that

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governed physician assistants and orthopedic physician assistants before the formation of the board of physician assistants.

(f) For purposes of conducting administrative business and promulgating rules, five (5) members constitute a quorum, and the board shall meet at least twice a year to conduct such administrative business. A majority vote of the members present at the business meetings is required to authorize board action on any board business. For purposes of contested case hearings and disciplinary matters, three (3) or more members constitute a quorum, and the board chair is authorized, when it is deemed necessary, to split the board into panels of three (3) or more, each to conduct contested case hearings or disciplinary matters.

(g) A majority vote of the members present on any duly constituted panel is required to authorize board action in disciplinary matters and contested case hearings. The board chair has the authority to appoint board members to serve, as necessary, on the panels regardless of the grand division from which the appointed member was chosen or the member's status as a physician assistant, physician, or public member. The existence of a public member of the board creates no rights in any individual concerning the composition of any panel in any disciplinary matter or contested case hearing. Notwithstanding § 4-5-314(e) to the contrary, unavailability of a member of any panel before rendition of a final order does not require substitution of another member unless the unavailability results in there being less than the quorum required by this section for contested case hearings or disciplinary matters. Any substitute required shall use any existing record and may conduct further proceedings as is necessary in the interest of justice.

63-19-104. Powers and duties of board.

The board has the duty to:

(1) Unless otherwise specified in this chapter, promulgate, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the implementation of this chapter, including, but not limited to, rules that implement the administrative functions of the board and that specify the acts and offenses that subject the license holder to disciplinary action by the board pursuant to subdivision (7);

(2) Set fees, subject to the maximum limitations prescribed by this part, relative to the examination, licensure, and licensure renewal of physician assistants in an amount sufficient to pay all of the expenses of the board and establish and collect a late renewal fee from those physician assistants who fail to renew their licenses in a timely manner;

(3) Review the qualifications of, and approve or reject each applicant for initial licensure as a physician assistant;

(4) Biennially review the qualifications of, and approve or reject each applicant for biennial licensure renewal. The board shall

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condition approval for renewal on the receipt of evidence satisfactory to the board of the applicant's successful completion, within a two-year period prior to the application for license renewal, of one hundred (100) hours of continuing medical education approved by the American Academy of Physician Assistants, the American Medical Association, or the Accreditation Council for Continuing Medical Education. The two-year period within which an applicant must have obtained the required continuing medical education hours is either the twenty-four (24) months prior to submitting the application for renewal or the most recent two-year period utilized by the National Commission on Certification of Physician Assistants to determine whether that person has obtained sufficient continuing medical education hours to maintain that person's professional certification. The board may, in its discretion, waive or modify the continuing medical education requirement in cases of retirement, illness, disability, or other undue hardship;

(5) Issue all approved physician assistant licenses and renewals;

(6) Collect or receive all fees, fines, and moneys owed pursuant to this part and to pay the same into the general fund of the state. For the purpose of implementing subdivision (2), all fees, fines, and moneys collected pursuant to the regulation of physician assistants must be so designated. Any fiscal balance or deficit that the board of medical examiners' committee on physician assistants has at the time that this act becomes law must be transferred to the board of physician assistants' budget; and

(7) Deny a license, or discipline in accordance with § 63-19-110(a), a license holder who is guilty of violating any of the provisions of this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (1). When sanctions are imposed on a license holder pursuant to this subdivision (7) or this part, the license holder may, in addition, be required to pay the actual and reasonable costs of the investigation and prosecution of the case, including the costs incurred and assessed for the time of the prosecuting attorney or attorneys, the investigator or investigators, and any other persons involved in the investigation, prosecution, and hearing of the case. The board may limit, restrict, or impose one (1) or more conditions on a license at the time it is issued, renewed, or reinstated or as a sanction imposed at the conclusion of a disciplinary hearing.

63-19-105. Qualifications and licensure.

(a) (1) An individual shall not represent to be or function as a physician assistant under this part unless the individual holds a valid physician assistant license or temporary license issued by the board. The board shall not license an individual as a physician assistant unless the individual:

(A) Has successfully completed a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its

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successor accrediting agency or, prior to 2001, by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;

(B) Has passed the examination of the National Commission on Certification of Physician Assistants, or its successor agency;

(C) Submits an application on forms approved by the board;

(D) Pays the appropriate fees as determined by the board;

(E) Is mentally and physically able to engage safely in practice as a physician assistant;

(F) Has no license as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure; and

(G) Submits to the board other information the board deems necessary to evaluate the applicant's qualifications.

(2) Notwithstanding subdivisions (a)(1)(A) and (B), the board may license a person qualified as a physician assistant prior to April 26, 1983, and who has continued to represent to be or functioned as a physician assistant since that time. However, the board shall not license any person as a physician assistant after July 1, 1991, unless the person meets the requirements of subdivisions (a)(1)(A) and (B); provided, the board may continue to issue license renewals to any person who was licensed as a physician assistant prior to July 1, 1991.

(b) An individual licensed, registered, or certified as a physician assistant in another jurisdiction may be licensed as a physician assistant by the board if the individual meets the requirements and standards of this part. The board shall charge an applicant with any reasonable expense incurred by the board in verifying the licensure, registration, or certification by another jurisdiction of the applicant for licensure under this chapter.

(c) The board may issue a temporary license to an individual that allows the individual to function as a physician assistant under this part:

(1) For a period of twelve (12) months immediately following graduation to allow the individual an opportunity to attempt the examination;

(2) For a period of one (1) additional year thereafter in which to attempt and successfully complete the examination if the individual is not successful on the first attempt; or

(3) As provided in § 63-1-104, for an individual who has been out of clinical practice or inactive in their practice for an extended period of time, or who has been or is at the time of their application engaged exclusively in administrative practice.

(d) While an individual's application is pending, the board may issue a temporary license to that individual if the individual is licensed,

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registered, or certified as a physician assistant in another jurisdiction and if the board finds that the application is complete. The temporary license allows the individual to function as a physician assistant under this chapter. A temporary license issued under this subsection (d) is valid for a period of six (6) months and is not renewable. The board may require that an applicant for licensure as a physician assistant appear before the board to answer any questions regarding the applicant's fitness for licensure.

(e)

(1) The board may authorize any of its members or its consultant to conduct a review of the qualifications of an applicant for a license to practice as a physician assistant in this state and to make an initial determination as to whether the applicant has met all the requirements for licensure. If the board member or board consultant determines that the applicant has met all the requirements for licensure, then the applicant is authorized to practice as a physician assistant in this state until the board makes a final decision on the application for licensure. The board may authorize the use of this procedure with respect to applicants for license renewal or reinstatement as well. A temporary authorization issued pursuant to a determination made by the board member or board consultant must not be effective for longer than a six-month period measured from the date of issuance. The applicant shall not utilize this process more than once.

(2) If temporary authorization pursuant to subdivision (e)(1) is issued to an applicant for a license to practice as a physician assistant in this state and if the subsequent decision of the board is to deny the application based upon a good faith determination that the applicant has not, in fact, complied with all the requirements for licensure, then the doctrine of estoppel does not apply against the state based upon its issuance of temporary authorization and its subsequent denial of licensure.

(3) Notwithstanding a law to the contrary, a person serving as a consultant solely for the board of medical examiners' committee on physician assistants, and not for any other board or committee, as of January 1, 2021, may continue to serve as a consultant for the board of physician assistants until such time that the board of physician assistants decides otherwise.

63-19-106. Authorized services - Collaboration.

(a) (1) A physician assistant is authorized to perform selected medical services only in collaboration with a licensed physician.

(2) Collaboration requires active and continuous overview of the physician assistant's activities to ensure that the physician's directions and advice are in fact implemented, but does not require the continuous and constant physical presence of the collaborating physician. The board of medical examiners and board of physician assistants shall adopt regulations governing the collaborating physician's personal review of historical, physical, and therapeutic data contained in the

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charts of patients examined by the physician assistant. Until the rules are jointly adopted by the board of physician assistants and the board of medical examiners, the rules jointly adopted by the committee on physician assistants and the board of medical examiners in effect as of December 31, 2020, remain in effect.

(3) The range of services that may be provided by a physician assistant must be set forth in a written protocol, jointly developed by the collaborating physician and the physician assistant. The protocol must also contain a discussion of the problems and conditions likely to be encountered by the physician assistant and the appropriate treatment for these problems and conditions. The physician assistant shall maintain the protocol at the physician assistant's practice location and shall make the protocol available upon request by the board of medical examiners, board of physician assistants, or the authorized agents of the boards.

(4) A physician assistant may perform only those tasks that are within the physician assistant's range of skills and competence, that are within the usual scope of practice of the collaborating physician, and that are consistent with the protection of the health and well-being of the patients.

(5) The physician assistant may render emergency medical service in accordance with guidelines previously established by the collaborating physician pending the arrival of a responsible physician in cases where immediate diagnosis and treatment are necessary to avoid disability or death.

(b) A physician assistant shall, at all times, practice in collaboration with a licensed physician who has control of and responsibility for the services provided by the physician assistant and the duty of assuring that there is a proper collaboration with the physician and that the activities of the physician assistant are otherwise appropriate.

(c) Rules that purport to regulate the collaboration of physician assistants with physicians must be jointly adopted by the board of medical examiners and the board of physician assistants.

(d) A physician assistant practicing in collaboration with a licensed podiatrist:

(1) Shall not provide services that are outside of the scope of practice of a podiatrist as set forth in § 63-3-101;

(2) Shall comply with the requirements of, and rules adopted pursuant to, this section and § 63-19-107 governing the collaboration with a physician assistant; and

(3) May prescribe only drugs that are rational to the practice of podiatry.

63-19-107. Practices for collaboration with physician assistants.

A licensed physician collaborating with physician assistants shall comply with the following practices:

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(1) More than one (1) physician may collaborate with the same physician assistant; provided, each physician assistant has a primary collaborating physician and may have additional alternate collaborating physicians who collaborate with the physician assistant in the absence or unavailability of the primary collaborating physician. Each physician assistant shall notify the board of physician assistants of the name, address, and license number of the physician assistant's primary collaborating physician and shall notify the board of physician assistants of a change in the primary collaborating physician within fifteen (15) days of the change. The number of physician assistants for whom a physician may serve as the collaborating physician must be determined by the physician at the practice level, consistent with good medical practice. The collaborating physician shall designate one (1) or more alternate physicians who have agreed to accept the responsibility of collaborating with the physician assistant on a prearranged basis in the collaborating physician's absence;

(2)

(A) In accordance with rules adopted by the board of medical examiners and the board of physician assistants, a collaborating physician may delegate to a physician assistant working in collaboration with the physician the authority to prescribe or issue legend drugs and controlled substances listed in Schedules II, III, IV, and V of title 39, chapter 17, part 4. The rules adopted prior to March 19, 1999, by the board of medical examiners and the committee on physician assistants governing the prescribing of legend drugs by physician assistants remain effective after March 19, 1999, and may be revised from time to time as deemed appropriate by the board of medical examiners and the board of physician assistants. The board of medical examiners and the board of physician assistants may adopt additional rules governing the prescribing of controlled substances by physician assistants. A physician assistant to whom is delegated the authority to prescribe or issue controlled substances must register and comply with all applicable requirements of the drug enforcement administration;

(B)

(i) A physician assistant to whom the authority to prescribe legend drugs and controlled substances has been delegated by the collaborating physician shall file a notice with the board of physician assistants containing the name of the physician assistant, the name of the licensed physician collaborating with the physician assistant who has responsibility for and control of prescription services rendered by the physician assistant, and a copy of the formulary describing the categories of legend drugs and controlled substances to be prescribed or issued, by the physician assistant. The physician assistant is responsible for updating this information;

(ii) Notwithstanding another rule or law, a physician assistant shall not prescribe Schedules II, III, and IV controlled

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substances unless the prescription is specifically authorized by the formulary or expressly approved after consultation with the collaborating physician before the initial issuance of the prescription or dispensing of the medication;

(iii) A physician assistant to whom the authority to prescribe controlled drugs has been delegated by the collaborating physician may only prescribe or issue a Schedule II or III opioid listed on the formulary for a maximum of a nonrefillable, thirty-day course of treatment, unless specifically approved after consultation with the collaborating physician before the initial issuance of the prescription or dispensing of the medication. This subdivision (2)(B)(iii) does not apply to prescriptions issued in a hospital, a nursing home licensed under title 68, or inpatient facilities licensed under title 33;

(C) The prescriptive practices of physician assistants and the collaborating physicians with whom the physician assistants are rendering services must be monitored by the board of medical examiners and the board of physician assistants. As used in this section, "monitor" does not include the regulation of the practice of medicine or the regulation of the practice of a physician assistant, but may include site visits by members of the board of medical examiners and the board of physician assistants;

(D) Complaints against physician assistants or collaborating physicians must be reported to the director of the division of health related boards, board of medical examiners, and the board of physician assistants, as appropriate;

(E)

(i) Every prescription order issued by a physician assistant pursuant to this section must be entered in the medical records of the patient and must be written on a preprinted prescription pad bearing the name, address, and telephone number of the collaborating physician and of the physician assistant, and the physician assistant shall sign each prescription order so written. If the preprinted prescription pad contains the names of more than one (1) physician, then the physician assistant shall indicate on the prescription which of those physicians is the physician assistant's primary collaborating physician by placing a checkmark beside or a circle around the name of that physician;

(ii) A handwritten prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing physician assistant, the name and strength of the drug prescribed, the quantity of the drug prescribed, handwritten in letters or in numerals, instructions for the proper use of the drug and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant shall sign the handwritten prescription

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order on the day it is issued, unless it is a standing order issued in a hospital, a nursing home, or an assisted care living facility as defined in § 68-11-201;

(iii) A typed or computer-generated prescription order for a drug issued by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing physician assistant, the name and strength of the drug prescribed, the quantity of the drug prescribed, recorded in letters or in numerals, instructions for the proper use of the drug, and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant shall sign the typed or computer-generated prescription order on the day it is issued, unless it is a standing order issued in a hospital, nursing home, or an assisted care living facility as defined in § 68-11-201;

(iv) This section does not prevent a physician assistant from issuing a verbal prescription order;

(v)

(a) Handwritten, typed, or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the federal United States Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 110-28), and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions;

(b) Subdivision (2)(E)(v)(a) does not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor or other person authorized to write prescriptions writes the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted care living facility as defined in § 68-11-201, or inpatients or residents of a mental health hospital or residential facility licensed under title 33 or individuals incarcerated in a local, state, or federal correctional facility;

(F) Drugs must not be dispensed by a physician assistant except under the control and responsibility of the collaborating physician;

(G) A physician assistant authorized to prescribe drugs under this subdivision (2), who provides services in a free or reduced fee clinic under the Volunteer Healthcare Services Act, compiled in chapter 6, part 7 of this title, may arrange for required personal review of the physician assistant's charts by a collaborating physician in the office or practice site of the physician or remotely via HIPAA-

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compliant electronic means rather than at the site of the clinic. For purposes of this subdivision (2)(G), "HIPAA-compliant" means that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 C.F.R. 164.312;

(H) A physician assistant authorized to prescribe drugs under this subdivision (2), who provides services in a community mental health center as defined in § 33-1-101, may arrange for the required personal review of the physician assistant's charts by a collaborating physician, with the same authority to render prescriptive services that the physician assistant is authorized to render, in the office or practice site of the physician, or the required visit by a collaborating physician to any remote site, or both, via HIPAA-compliant electronic means rather than at the site of the clinic. For purposes of this subdivision (2)(H), "HIPAA-compliant" means that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 C.F.R. § 164.312;

(3) The patient of a physician receiving services from that physician assistant shall be fully informed that the individual is a physician assistant or a sign must be conspicuously placed within the office of the physician indicating that certain services may be rendered by a physician assistant;

(4) A physician who does not normally provide patient care is not authorized to collaborate with or utilize the services of a physician assistant; and

(5)

(A) A physician assistant shall only perform invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves of the spine, or block of major peripheral nerves of the spine in any setting not licensed under title 68, chapter 11, under the direct supervision of a Tennessee physician licensed pursuant to chapter 6 or 9 of this title who is actively practicing spinal injections and has current privileges to do so at a facility licensed pursuant to title 68, chapter 11. The direct supervision provided by a physician in this subdivision (5)(A) must only be offered by a physician who meets the qualifications established in § 63-6-244(a)(1) or (a)(3) or § 63-9-121(a)(1) or (a)(3);

(B) For purposes of this subdivision (5), "direct supervision" means being physically present in the same building as the physician assistant at the time the invasive procedure is performed; and

(C) This subdivision (5) does not apply to a physician assistant performing major joint injections except sacroiliac injections, or to performing soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

63-19-108. Unprofessional conduct by physician collaborating with a physician assistant.

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When a licensed physician collaborates with a physician assistant or orthopedic physician assistant in a manner that is inconsistent with this chapter, it constitutes grounds for a finding of unprofessional conduct and the physician is subject to disciplinary action by the board of medical examiners in accordance with § 63-6-214, the board of osteopathic examination in accordance with § 63-9-111, or the board of pediatric medical examiners in accordance with § 63-3-119. As used in this section, "disciplinary action" includes, but is not limited to, the discipline described in §§ 63-6-214(a), 63-9-111(a), and 63-3-119(a), and the suspension of privileges to collaborate with a physician assistant or an orthopedic physician assistant.

63-19-109. Exclusions of limitations on employment.

This part does not limit the employment arrangement of a physician assistant licensed under this part.

63-19-110. Grounds for denial, suspension, or revocation of licenses.

(a) The board has the power to:

(1) Deny an application for a license to an applicant who applies for a license through reciprocity or otherwise;

(2) Permanently or temporarily withhold issuance of a license;

(3) Suspend, limit, or restrict a previously issued license for such time and in such manner as the board may determine;

(4) Reprimand or take such action in relation to disciplining an applicant or licensee, including, but not limited to, informal settlements, private censures and warnings, and issuing civil penalties, as the board in its discretion may deem proper; or

(5) Permanently revoke a license.

(b) The grounds upon which the board shall exercise such power include, but are not limited to:

(1) The conviction of a crime;

(2) Fraud in procuring or attempting to procure a license to practice medicine as a physician assistant;

(3) The commission of unprofessional or unethical conduct;

(4) An addiction to the use of alcohol, narcotics, or other drugs;

(5) Engaging in the inappropriate prescribing, dispensing, or otherwise distributing a controlled substance or other drug in the course of professional practice;

(6) Suspension or revocation of a license in another state for disciplinary reasons; or

(7) Failure to comply with the lawful order or duly promulgated rules of the board.

(c) Upon issuing disciplinary action to a licensee, the board shall notify the board of medical examiners, board of osteopathic examination, or board of podiatry, as appropriate, of the disciplinary action and the licensee's primary collaborating physician of record.

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(d) A disciplinary action issued by the board for a violation involving the prescribing, dispensing, or otherwise issuing of controlled substances by a physician assistant must also be approved by the board of medical examiners, and the board shall give notice to the appropriate licensing board of the primary collaborating physician of record.

63-19-111. Exemptions.

(a) This part does not:

(1) Modify or supersede any existing laws relating to other paramedical professions or services;

(2) Permit a physician assistant to:

(A) Measure the powers or range of human vision, or determine the refractive state of the human eye or the scope of its functions in general or prescribe or direct the use of ophthalmic lenses or prisms to remedy or relieve defects of vision or muscular anomalies;

(B) Prescribe or fit or adapt contact lenses to or for the human eye; or

(C) Practice chiropractic or to analyze or palpate the articulations of the spinal column for the purposes of giving a spinal adjustment; or

(3) Prohibit a physician assistant from testing visual acuity or performing routine vision screening.

(b) This part does not apply to registered nurses or licensed practical nurses utilized by a physician under § 63-6-204 or § 63-9-113, or to technicians, other assistants, or employees of a physician not rendering services as a physician assistant and who perform delegated tasks in the office of a physician or to students enrolled in physician assistant training programs accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor entity.

63-19-112. Administrative proceedings.

The board shall conduct all administrative proceedings for disciplinary action against a license holder under this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

63-19-113. Licensure renewal by retired physician assistants.

A person licensed by the board as a physician assistant who has retired or may retire from practice in this state is not required to biennially renew the person's license as required by this part, if the person files with the board an affidavit on a form to be furnished by the board, which affidavit states the date on which the person retired from practice and any other facts, as the board considers necessary, that tend to verify the retirement. If the person thereafter reengages in practice in this state, then the person must apply for licensure by the board as provided by this part and is not liable for payment of licensure renewal fees that accrued during the period of retirement.

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63-19-114. Use of title "physician assistant" or abbreviation "PA."

(a) A person who holds a valid license or temporary license from the board has the right to use the title "physician assistant," the abbreviation "PA," or the abbreviation "PA-C." No other person may assume that title or use those abbreviations, or any words, signs, letters, or devices to indicate that the person using them is a physician assistant.

(b) A person who meets the qualifications for licensure under this chapter but does not possess a current license may use the title "PA," "physician assistant," or "PA- C," but may not act or practice as a PA unless licensed under this chapter.

(c) This section does not apply to public accountants or certified public accountants. This section does not prevent a public accountant from using the abbreviation "P.A."

63-19-115. Special volunteer license for practice in free health clinic - Exemption from fees - Renewal.

A physician assistant licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by § 63-1-201, engaged in practice at a free health clinic is not subject to license fees under this chapter. The board may issue a special volunteer license, as defined in § 63-1-201, to qualified applicants without fee or charge. The license is for a period of two (2) years and may be renewed on a biennial basis.

[63-19-201]

SECTION 7. Tennessee Code Annotated, Section 63-19-201, is amended by deleting the section and substituting:

(a) Licensed orthopedic physician assistants are under the jurisdiction of the board of physician assistants created by § 63-19-103.

(b) The board of physician assistants has the duty to:

(1) Promulgate, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of the duties of orthopedic physician assistants, including, but not limited to, rules that specify the acts and offenses that subject the license holder to disciplinary action by the board pursuant to subdivision (b)(7);

(2) Set fees relative to the examination, licensure, and licensure renewal of orthopedic physician assistants in an amount sufficient to pay all of the expenses of the board, and to establish and collect a late renewal fee from those orthopedic physician assistants who fail to renew their licenses in a timely manner;

(3) Review and approve or reject the qualifications of each applicant for initial licensure as an orthopedic physician assistant;

(4) Biennially review and approve or reject the qualifications of each applicant for biennial licensure renewal. The board shall

PUBLIC CHAPTER NO. 565 (cont'd)

condition approval for renewal on the receipt of evidence satisfactory to the board of the applicant's successful completion of sixty (60) hours of continuing medical education approved by the American Medical Association or other appropriate professional association. The board may, in its discretion, waive or modify the continuing medical education requirement in cases of retirement, illness, disability, or other undue hardship;

(5) Issue all approved orthopedic physician assistant licenses and renewals;

(6) Collect or receive all fees, fines, and moneys owed pursuant to this part and pay the fees, fines, and moneys into the general fund of the state. For the purpose of implementing subdivision (b)(2), all fees, fines, and moneys collected pursuant to the regulation of orthopedic physician assistants must be so designated; and

(7) Deny, suspend, or revoke the license of, or otherwise discipline by a fine not to exceed five hundred dollars (\$500), or by reprimand, a license holder who is guilty of violating this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (b)(1). If sanctions are imposed on a licensee pursuant to this subdivision (b)(7), then the licensee may, in addition, be required to pay the actual and reasonable costs of the investigation and prosecution of the case, including the costs incurred and assessed for the time of the prosecuting attorney or attorneys, the investigator or investigators, and any other persons involved in the investigation, prosecution, and hearing of the case. The board may limit, restrict, or impose one (1) or more conditions on a license at the time it is issued, renewed, or reinstated or as a sanction imposed at the conclusion of a disciplinary hearing.

(c) Actions taken under this section are only effective after adoption by majority vote of the members of the board of physician assistants.

(d) For purposes of this part, unless the context requires otherwise, "physician" means a person lawfully licensed to practice orthopedic medicine and surgery pursuant to chapter 6 of this title, or osteopathic medicine pursuant to chapter 9 of this title.

[63-19-202]

SECTION 8. Tennessee Code Annotated, Section 63-19-202, is amended by deleting the section and substituting:

(a) A person shall not claim to be or function as an orthopedic physician assistant unless the person holds a valid orthopedic physician assistant license issued by the board.

(b) The board shall not license a person as an orthopedic physician assistant or renew the license of an orthopedic physician assistant unless:

(1)

PUBLIC CHAPTER NO. 565 (cont'd)

(A) The person is a graduate of an orthopedic physician assistant training program approved by the board;

(B) The person has successfully completed the examination of the National Board for Certification of Orthopedic Physician Assistants; and

(C) The person was performing services as an orthopedic physician assistant in this state on January 1, 2021; or

(2) The person was performing services as an orthopedic physician assistant in this state on or after January 1, 2021, and has been continuously licensed as an orthopedic physician assistant in this state since 1995.

(c) The board may require that an applicant for licensure as an orthopedic physician assistant appear before the board to answer questions regarding the applicant's fitness for licensure.

[68-1-101]

SECTION 9. Tennessee Code Annotated, Section 68-1-101(a)(8)(O), is amended by deleting "Board of medical examiners' committee on physician assistants" and substituting "Board of physician assistants".

[68-11-222]

SECTION 10. Tennessee Code Annotated, Section 68-11-222(b)(4), is amended by deleting "Board of medical examiners' committee on physician assistants" and substituting "Board of physician assistants".

[71-5-201]

SECTION 11. Tennessee Code Annotated, Section 71-5-201(b), is amended by deleting the subsection.

SECTION 12. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

[71-5-201]

SECTION 13. Rules promulgated pursuant to this chapter to effectuate the purposes of this act must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

[4-29-118; 4-29-244]

SECTION 14. Notwithstanding §§ 4-29-118 and 4-29-244(b), the board of physician assistants terminates pursuant to Section 2.

[Effective date 5/26/2021]

SECTION 15. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 566

HOUSE BILL NO. 1130

By Representatives Farmer, Gillespie, Rudd, Ogles, Zachary, Curcio,
Garrett, Littleton, Todd, Lynn, Alexander, Cepicky, Powers, Moody,
Smith, Garringer

Substituted for: Senate Bill No. 868

By Senators Bell, Bowling, Niceley

AN ACT to amend Tennessee Code Annotated, Title 2; Title 4; Title 16; Title 17; Title 20; Title 27 and Title 29, relative to causes of action.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 20, ch. 18; 20-18-101; 20-18-102; 20-18-103; 20-18-104; 20-18-105]

SECTION 1. Tennessee Code Annotated, Title 20, is amended by adding the following as a new chapter:

20-18-101.

(a) A civil action in which the complaint meets each of the following criteria must be heard and determined by a three-judge panel pursuant to this chapter:

(1) Challenges the constitutionality of:

(A) A state statute, including a statute that apportions or redistricts state legislative or congressional districts;

(B) An executive order; or

(C) An administrative rule or regulation;

(2) Includes a claim for declaratory judgment or injunctive relief; and

(3) Is brought against the state, a state department or agency, or a state official acting in their official capacity.

(b)

(1) When an action described in subsection (a) is filed, the person or entity filing the action shall provide notice of the complaint to the presiding judge of the judicial district, who shall notify the supreme court. The supreme court shall select two (2) trial court judges of courts of record to sit with the judge to whom the civil action was originally assigned as a three-judge panel to hear and decide the civil action.

(2) To ensure that members of the three-judge panel are drawn from different regions of the state, the supreme court shall select one (1) judge from each grand division of the state other than the grand division in which the civil action was originally filed.

(3) The supreme court shall designate one (1) member of the panel to serve as the chief judge.

PUBLIC CHAPTER NO. 566 (cont'd)

(4) Should any member of the three-judge panel be disqualified or otherwise unable to serve on the panel, the supreme court shall appoint as a replacement another trial court judge from the same grand division as the judge being replaced, who shall serve by interchange, as provided in Rules 10B and 11 of the Tennessee Supreme Court Rules.

(5) In the event of a disagreement among the three (3) judges comprising the panel, the majority prevails.

(6) The rules promulgated by the supreme court shall govern the practice and procedure of the three-judge panel including what procedural matters may be decided solely by the chief judge.

(c) The three-judge panel shall sit in the supreme court building in the grand division in which the civil action was filed, unless a location is otherwise designated by the supreme court.

20-18-102.

Notwithstanding § 4-4-104 and any other law to the contrary, venue for a civil action described in § 20-18-101(a) is the county where the plaintiff resides, or if more than one (1) plaintiff is a party to the action, a county where any plaintiff resides. If the plaintiff in a civil action described in § 20-18-101(a) is not a resident of this state, then venue for the civil action is in Sumner County.

20-18-103.

(a) This chapter does not create a cause of action independent of existing Tennessee or federal law and does not waive the defense of sovereign immunity where that defense applies.

(b) This chapter does not affect the procedures and remedies provided in title 67, chapter 1, part 18. However, a case filed pursuant to title 67, chapter 1, part 18, that meets the requirements of § 20-18-101(a) must be heard by a three-judge panel pursuant to this chapter.

20-18-104.

Except as provided in § 20-18-105, the court of appeals shall have jurisdiction of appeals from the decisions of a three-judge panel appointed pursuant to this chapter. Notice of such appeal must be filed with the court of appeals.

20-18-105.

(a) Pursuant to Article II, Sections 4, 5, and 6 of the Constitution of Tennessee, which vest the power of apportionment with the general assembly, a court, including the supreme court or a three-judge panel, shall not impose a substitute plan for a plan enacted by the general assembly apportioning or redistricting state legislative or congressional districts under this chapter unless the court first gives the general assembly a period of time to remedy any defects identified by the court in the court's findings of fact and conclusions of law. The period of time given must not be less than fifteen (15) calendar days from the issuance of the court's findings of fact and conclusions of law,

PUBLIC CHAPTER NO. 566 (cont'd)

and in setting the period of time, the court shall consider whether the general assembly is currently in session or out of session.

(b) If the general assembly does not enact a new plan within the period of time set by the court pursuant to subsection (a), then the court may impose an interim districting plan for use only in the next election cycle, provided the interim districting plan differs from the districting plan enacted by the general assembly only to the extent necessary to remedy any defects identified by the court.

(c) A party in an action challenging a statute that apportions or redistricts state legislative or congressional districts that is dissatisfied with the final judgment of the three-judge panel may appeal to the supreme court, as a matter of right, within thirty (30) days from the entry of the judgment of the three-judge panel. The record on appeal must conform to the requirements of Rule 24 of the Tennessee Rules of Appellate Procedure.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to civil actions pending or filed on or after that date.

PUBLIC CHAPTER NO. 567

HOUSE BILL NO. 1166

**By Representatives Harris, Stewart, Clemmons, Parkinson,
Hardaway, Gloria Johnson, Lamar, Hazlewood, Camper, Love,
Helton**

Substituted for: Senate Bill No. 644

By Senators Robinson, Akbari, Campbell, Massey

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 2, Part 4 and Title 37, Chapter 5, relative to siblings in foster care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-2-420]

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) An agency shall provide a child in foster care with contact information for each sibling who is also in foster care and who is not placed in the same home as the child if maintaining contact with the sibling is in the best interests of each sibling.

(b) A child in foster care must not be punished for behavioral problems by restricting contact with the child's sibling.

(c) As used in this section, "sibling" includes full siblings, half siblings, and step-siblings.

[Effective date 7/1/2021]

SECTION 2 This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 568**HOUSE BILL NO. 1377**

**By Representatives Crawford, Hardaway, Williams, Moody, White,
Hazlewood, Littleton, Tim Hicks, Alexander, Howell, Helton,
Jernigan**

Substituted for: Senate Bill No. 867

By Senators Lundberg, Bowling, Haile, Massey, Rose

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to dependent and neglected children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-1-188]

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) This section is known and may be cited as “Eli’s law”.

(b) Notwithstanding this part to the contrary, there is a presumption that any child that is born to a parent, from whose custody a child has previously been removed for being dependent or neglected and the child who was previously removed is in the custody of the department of children’s services, may be dependent or neglected and that it is in the best interest of both children that the child’s birth be brought to the court’s attention.

(c) Upon learning of the birth of the subsequent child, the department shall notify the court that adjudicated the first child dependent and neglected and any other party entitled to notice of the subsequent child’s birth.

(d) Upon receiving the notice, the court should immediately schedule a hearing to inquire into the effect of the subsequent child’s birth upon the case before the court and to address any further needed steps to protect the safety and well-being of the family.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 569

HOUSE BILL NO. 1398

By Representatives Helton, Clemmons, Smith, Rudder, Faison, Bricken, Lafferty, Powers, Sparks, Mannis, Littleton, Grills, Warner, Hurt, Terry, Whitson, Garringer, Kumar, Moon, Eldridge, Hall, Hakeem, Ramsey, Tim Hicks, Mitchell, Cepicky, Hawk, Sherrell, Griffey, Casada, Weaver, Alexander, Moody, Crawford, Reedy, Hodges, Russell, Cochran, Leatherwood, Jerry Sexton, Wright, Calfee, Farmer, Garrett, Freeman, Beck, Lynn, Zachary, Jernigan, Windle, Powell, Curtis Johnson, Darby, Rudd, Doggett, Ogles, Williams, Haston, Vaughan, Howell, Ragan, Harris, Shaw, Towns, Hardaway, Chism, White, Marsh, Carr, Gant, Keisling, Gloria Johnson, Lamberth, Todd, Miller, Camper

Substituted for: Senate Bill No. 1617

By Senators Reeves, Bell, Yager, Haile, Swann, Briggs, Campbell, Jackson

AN ACT to amend Tennessee Code Annotated, Title 4; Title 56 and Title 71, relative to pharmacy benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[56-7-3119]

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

(a) A health insurance issuer, managed health insurance issuer as defined in § 56-32-128(a), pharmacy benefits manager, or other third-party payer shall not:

(1) Reimburse a 340B entity for pharmacy-dispensed drugs at a rate lower than the rate paid for the same drug by national drug code number to pharmacies that are not 340B entities;

(2) Assess a fee, chargeback, or adjustment upon a 340B entity that is not equally assessed on non-340B entities;

(3) Exclude 340B entities from its network of participating pharmacies based on criteria that is not applied to non-340B entities; or

(4) Require a claim for a drug by national drug code number to include a modifier to identify that the drug is a 340B drug.

(b) With respect to a patient eligible to receive drugs subject to an agreement under 42 U.S.C. § 256b, a pharmacy benefits manager, or third party that makes payment for those drugs, shall not discriminate against a 340B entity in a manner that violates § 56-7-2359 or otherwise prevents or interferes with the patient's choice to receive those drugs from the 340B entity.

(c) Notwithstanding § 56-7-1005, this section does not apply to:

PUBLIC CHAPTER NO. 569 (cont'd)

(1) The TennCare program administered under the Medical Assistance Act of 1968, compiled in title 71, chapter 5, part 1, or a successor Medicaid program;

(2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or a successor program; or

(3) The prescription drug program described in chapter 57 of this title, or a successor program.

(d) As used in this section:

(1) "340B entity" means a covered entity participating in the federal 340B drug discount program, as defined in section 340B of the Public Health Service Act, 42 U.S.C. § 256b, including the entity's pharmacy or pharmacies, or any pharmacy or pharmacies under contract with the 340B covered entity to dispense drugs on behalf of the 340B covered entity; and

(2) "National drug code number" means the unique national drug code number that identifies a specific approved drug, its manufacturer, and its package presentation.

[56-7-3120]

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

(a) A pharmacy benefits manager or a covered entity shall not require a person covered under a pharmacy benefit contract, that provides coverage for prescription drugs, including specialty drugs, to pay an additional fee, higher copay, higher coinsurance, second copay, second coinsurance, or other penalty when obtaining prescription drugs, including specialty drugs from a contracted pharmacy.

(b) A pharmacy benefits manager or a covered entity shall not interfere with the patient's right to choose a contracted pharmacy or contracted provider of choice in a manner that violates § 56-7-2359 or by other means, including inducement, steering, or offering financial or other incentives.

[56-7-3206]

SECTION 3. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a) Notwithstanding a law to the contrary, a pharmacy benefits manager or a covered entity shall base the calculation of any coinsurance or deductible for a prescription drug or device on the allowed amount of the drug or device. For purposes of this section, coinsurance or deductible does not mean or include copayments.

(b) Notwithstanding a law to the contrary, a pharmacy benefits manager shall not charge a covered entity an amount greater than the reimbursement paid by a pharmacy benefits manager to a contracted pharmacy for the prescription drug or device.

PUBLIC CHAPTER NO. 569 (cont'd)

(c)

(1) Notwithstanding a law to the contrary, and except as otherwise provided in this subsection (c), a pharmacy benefits manager shall not reimburse a contracted pharmacy for a prescription drug or device an amount that is less than the actual cost to that pharmacy for the prescription drug or device.

(2)

(A) Subdivision (c)(1) does not apply to a pharmacy benefits manager when utilizing a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services.

(B) If a pharmacy benefits manager utilizes a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services, then the pharmacy benefits manager shall establish a process for a pharmacy to appeal a reimbursement paid at average acquisition cost and receive an adjusted payment by providing valid and reliable evidence that the reimbursement does not reflect the actual cost to the pharmacy for the prescription drug or device.

(3)

(A) Subdivision (c)(1) does not apply to a covered entity or pharmacy benefits manager that establishes a clearly defined process through which a pharmacy may contest the actual reimbursement received for a particular drug or medical product or device.

(B) If a pharmacy chooses to contest the actual reimbursement cost for a particular drug or medical product or device, then the pharmacy has the right to designate a pharmacy services administrative organization or other agent to file and handle its appeal of the actual reimbursement.

(4) A covered entity's or pharmacy benefits manager's appeals process must be approved by the commissioner of commerce and insurance and comply with the timing and notice requirements of § 56-7-3108.

(d) As used in this section, "allowed amount" means the cost of a prescription drug or device after applying pharmacy benefits manager or covered entity pricing discounts available at the time of the prescription claim transaction.

[56-7-3207]

SECTION 4. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

A pharmacy benefits manager has a responsibility to report to the plan and the patient any benefit percentage that either are entitled to as a benefit as a covered person.

PUBLIC CHAPTER NO. 569 (cont'd)

[56-7-3208]

SECTION 5. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a)

(1) A covered entity shall, upon request of an enrollee, enrollee's healthcare provider, or authorized third party, furnish the cost, benefit, and coverage data described in subsection (b) to the enrollee, the enrollee's healthcare provider, or an authorized third party, and shall ensure that the data is:

(A) Accurate as of the most recent change to the data that was made prior to the date of request;

(B) Provided in real time; and

(C) Provided in the same format in which the request is made.

(2)

(A) A request for coverage data must be in a format that uses established industry content and transport standards as published by the following:

(i) A standard developing organization that is accredited by the American National Standards Institute, including, but not limited to, the National Council for Prescription Drug Programs, ASC X12, and Health Level 7; or

(ii) A relevant governing entity of this state or the federal government, including, but not limited to, the federal centers for medicare and medicaid services and the office of national coordinator for health information technology.

(8) The following are not acceptable formats for requests for coverage data under this section:

(i) A facsimile; or

(ii) Use of a proprietary payor or patient portal or other electronic form.

(b) A covered entity that receives a request for data that complies with subsection (a) shall provide the following data for each drug covered under the enrollee's health plan:

(1) The enrollee's eligibility information for the drug;

(2) A list of any clinically appropriate alternatives to drugs covered under the enrollee's health plan;

(3) Cost-sharing information for the drugs and the clinically appropriate alternatives; and

(4) Applicable utilization management requirements for the drugs or clinically appropriate alternatives, including prior authorization, step therapy, quantity limits, and site-of-service restrictions.

PUBLIC CHAPTER NO. 569 (cont'd)

(c) A covered entity that furnishes data as provided in subsection (b) shall not:

(1) Restrict, prohibit, or otherwise hinder a healthcare provider from communicating or sharing with the enrollee or enrollee's authorized representative:

(A) The data set forth in subsection (b);

(B) Additional information on lower-cost or clinically appropriate alternative drugs, whether or not the drugs are covered under the enrollee's plan; or

(C) Additional payment or cost-sharing information that may reduce the patient's out-of-pocket costs, such as cash price or patient assistance, and support programs sponsored by a manufacturer, foundation, or other entity;

(2) Except as may be required by law, interfere with, prevent, or materially discourage access to, exchange of, or the use of the data set forth in subsection (b), including:

(A) Charging fees;

(B) Failing to respond to a request at the time made when such a response is reasonably possible;

(C) Implementing technology in nonstandard ways; or

(D) Instituting requirements, processes, policies, procedures, or renewals that are likely to substantially increase the complexity or burden of accessing, exchanging, or using the data; or

(3) Penalize a healthcare provider for:

(A) Disclosing the information described in subdivision (c) (1) to an enrollee; or

(B) Prescribing, administering, or ordering a clinically appropriate or lower-cost alternative drug.

[Effective date 7/1/2021]

SECTION 6. Sections 1-4 of this act take effect July 1, 2021, the public welfare requiring it. Section 5 of this act takes effect January 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 570**HOUSE BILL NO. 1401****By Representatives Cochran, Hazlewood**

Substituted for: Senate Bill No. 1400

By Senator Swann

AN ACT to amend Tennessee Code Annotated, Section 3-1-106, relative to members of the general assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[3-1-106]

SECTION 1. Tennessee Code Annotated, Section 3-1-106(c), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

A member shall be paid a mileage allowance per mile pursuant to subdivision (c)(1) when using a personally owned vehicle, regardless of the type of vehicle used. However, if a member uses a personally owned vehicle other than an automobile as the member's mode of transportation, the total amount reimbursed for travel shall not exceed the amount the member would have received if the member had traveled by automobile.

[3-1-106]

SECTION 2. Tennessee Code Annotated, Section 3-1-106(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) For each legislative day, which is defined as each day the general assembly, or either house thereof, officially convenes for the transaction of business, or for each day in attendance at any such other meeting as described in subsection (a), each member must be paid an expense allowance:

(A) For meals and incidentals in an amount equal to the allowance granted federal employees for such expenses in the Nashville area; and

(B) For lodging in an amount equal to the higher of:

(i) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization if obtainable; or

(ii) The allowance granted federal employees for lodging expenses in the Nashville area.

PUBLIC CHAPTER NO. 570 (cont'd)

[3-1-106]

SECTION 3. Tennessee Code Annotated, Section 3-1-106(b)(3), is amended by deleting the following language:

the member shall be reimbursed an expense allowance for lodging equal to the allowance granted federal employees for lodging expense in the Nashville area.

and substituting instead the following:

the member must be reimbursed an expense allowance for lodging in an amount equal to the higher of:

(A) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization if obtainable; or

(B) The allowance granted federal employees for lodging expenses in the Nashville area.

[3-1-106]

SECTION 4. Tennessee Code Annotated, Section 3-1-106(c), is amended by deleting the language "Wednesday or Thursday" and substituting instead the language "Wednesday, Thursday, or Friday".

[3-1-106]

SECTION 5. Tennessee Code Annotated, Section 3-1-106(f)(1), is amended by deleting the language "one thousand dollars (\$1,000)" and substituting instead "one thousand two hundred fifty dollars (\$1,250)".

[3-1-106]

SECTION 6. Tennessee Code Annotated, Section 3-1-106(f), is amended by adding the following as a new subdivision:

(3) On the date of the statewide general election in 2024 and on the date of the statewide general election every two (2) years thereafter, the expense allowance established in subdivision (f)(1) must be adjusted to reflect the percentage increase in the average consumer price index (all items-city average), as published by the United States department of labor, bureau of labor statistics, for the two-year period immediately preceding. Each such adjustment under this subdivision (f)(3) must be rounded up to the nearest multiple of one hundred dollars (\$100).

[3-1-106]

SECTION 7. Tennessee Code Annotated, Section 3-1-106, is amended by deleting subsection (g).

[Effective date 11/8/2022]

SECTION 8. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. The remaining sections of this act take effect November 8, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 571**HOUSE BILL NO. 1534****By Representatives Weaver, Reedy, Todd, Moody, Powers**

Substituted for: Senate Bill No. 653

By Senator Bowling

AN ACT to amend Tennessee Code Annotated, Title 49, relative to licensure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-5-108]

SECTION 1. Tennessee Code Annotated, Section 49-5-108(d), is amended by adding the following as a new subdivision:

(3)

(A) The state board of education shall approve a process for an LEA, or for two (2) or more LEAs working together, to establish an LEA teacher training program for the purpose of recommending eligible educators for endorsements. An educator must possess an active Tennessee professional teaching license and must be employed by an LEA participating in the program to be eligible to participate in a program established under this subdivision (d)(3).

(B) The state board shall establish the minimum requirements for LEA teacher training programs; provided, that the minimum requirements must allow eligible educators to add endorsement areas to the educator's license.

(C) LEA teacher training programs established under this subdivision (d)(3) must provide documentation to the department of education certifying that the eligible educator has met the requirements established by the state board for the endorsement before the endorsement is added to the eligible educator's license.

(D) The state board shall not require an eligible educator seeking an endorsement through an LEA teacher training program to enroll in a teacher preparation program in order to receive the endorsement. This subdivision (d)(3) does not prohibit an LEA teacher training program from partnering with a teacher preparation program approved by the state board.

(E) To ensure the quality of an educator that receives an endorsement under this subdivision (d)(3), the state board shall require the eligible educator to take an assessment pursuant to the state board's rules and policies.

(F) The department of education shall create a process for the review of LEA teacher training programs established under this subdivision (d)(3) pursuant to the state board's rules and policies.

[49-5-108]

SECTION 2. The state board of education is authorized to promulgate rules necessary to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 7/1/2022]

SECTION 3. Section 2 of this act takes effect upon becoming a law, the public welfare requiring it. All other sections of this act take effect July 1, 2022, the public welfare requiring it.

PUBLIC CHAPTER NO. 572**SENATE BILL NO. 12****By Bowling, Gardenhire**

Substituted for: House Bill No. 9

By Reedy, Whitson, Ramsey, Moody, Faison, Howell, Smith, Helton, Todd,
Curcio

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 11; Title 62, Chapter 35 and Title 62, Chapter 76, relative to the Locksmith Licensing Act of 2006.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 62, ch. 11; 62-11-101; 62-11-102; 62-11-103; 62-11-104; 62-11-105; 62-11-106; 62-11-107; 62-11-108; 62-11-109; 62-11-110; 62-11-111; 62-11-112; 62-11-113; 62-11-114; 62-11-115; 62-11-116; 62-11-117; 62-11-118]

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 11, is amended by deleting the chapter in its entirety.

[62-35-137]

SECTION 2. Tennessee Code Annotated, Section 62-35-137, is amended by deleting the section in its entirety.

[62-35-137]

SECTION 3. Tennessee Code Annotated, Section 62-76-203(a)(3), is amended by deleting the subdivision in its entirety.

[62-76-203]

SECTION 4. Any moneys remaining in the locksmith and private security regulatory fund established by § 62-35-137 revert to the general fund on the effective date of this act. All rights, duties, privileges, and responsibilities of contracts entered into pursuant to Tennessee Code Annotated, Title 62, Chapter 35, are assumed by the department of commerce and insurance on the effective date of this act.

[Effective date 5/27/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 573

SENATE BILL NO. 14

By Kelsey, Yarbrow, Campbell, Rose

Substituted for: House Bill No. 22

By Gillespie, White, Leatherwood, Vaughan, Harris, Garrett, Powell, Potts,
Lamberth, Thompson, Moon, Camper, Griffey, Farmer, Moody, Hardaway,
Love, Hazlewood, Todd, Freeman, Whitson,

Williams, Jernigan, Carr, Eldridge, Marsh, Helton

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 55, relative to drag racing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-10-502]

SECTION 1. Tennessee Code Annotated, Section 55-10-502(a), is amended by deleting the subsection and substituting instead the following:

(a) Drag racing is a Class A misdemeanor, and any person who operates a motor vehicle upon the public highways of this state, or while on the premises of any shopping center, trailer park, any apartment house complex, or any other premises generally frequented by the public at large, or who is a participant therein, for the purpose of drag racing commits the offense of drag racing unless the premises are properly licensed for this purpose.

[Effective date 7/1/2021]

SECTION 2. This act shall take effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 574**SENATE BILL NO. 28****By Powers, Akbari, Lundberg, Massey, Yager**

Substituted for: House Bill No. 1028

By Kumar, Smith

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 39; Title 54 and Title 66, relative to the regulation of certain products by governmental entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[39-17-1551]

SECTION 1. Tennessee Code Annotated, Section 39-17-1551(e), is amended by deleting the subsection and substituting the following:

(e)(1) Notwithstanding subsection (a) or any other provision of this title, a municipality, a county, or a county having a metropolitan form of government is authorized by local ordinance or resolution, as applicable, to prohibit the use of tobacco products or vapor products, or both, on the grounds of a public park, public playground, public greenway, or any public property that is accessible to use by youth as long as the public park, public playground, public greenway, or public property is owned or controlled by the respective municipality or county.

(2) Notwithstanding subdivision (e)(1), a prohibition enacted pursuant to this subsection (e) does not apply to buildings, sidewalks, or roads.

(3) As used in this subsection (e):

(A)(i) "Greenway" means:

(a) An open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services and facilities; or

(b) A paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance;

(ii) If a greenway traverses a park that is owned or operated by a county, municipality, or instrumentality thereof, the greenway is considered a portion of that park unless designated otherwise by the local legislative body;

(B) "Playground" means an indoor or outdoor facility that is intended for recreation of children;

(C) "Tobacco product" means any product that contains tobacco and is intended for human use; and

PUBLIC CHAPTER NO. 574 (cont'd)

(D) "Youth" means persons under twenty-one (21) years of age.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 575**SENATE BILL NO. 100****By Massey, Yarbro, Watson, Akbari, Powers, Rose**

Substituted for: House Bill No. 112

By Moody, Whitson, Doggett, Thompson, White, Howell

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 50, relative to employment.

WHEREAS, it is the policy of this State to be a model employer of individuals with disabilities by adopting a framework for State agencies and departments that gives full consideration to the recruitment, hiring, advancement, and retention of qualified individuals with disabilities in the State workforce; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 4, ch. 46; 4-46-101; 4-46-102; 4-46-103]

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following new chapter:

4-45-101.

As used in this chapter:

(1) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; a record of the impairment; or being regarded as having an impairment; and

(2) "SAME program" means the state as a model employer program established pursuant to this chapter.

4-45-102.

(a) There is established the SAME program for individuals with disabilities.

(b) The purpose of the SAME program is to ensure that state agencies and departments design and proactively implement best, promising, and emerging policies, practices, and procedures related to the recruitment, hiring, advancement, and retention of qualified individuals with disabilities.

4-45-103.

(a) The commissioner of human resources shall administer the SAME program.

(b) The duties of the commissioner of human resources in administering the SAME program include, but are not limited to, the following:

(1) Adoption of rules, policies, and directives;

PUBLIC CHAPTER NO. 575 (cont'd)

(2) Provision of training and technical assistance regarding best, promising, and emerging policies, practices, and procedures; and

(3) Development of voluntary self-evaluation and other standard forms and templates for the submission and tracking of evaluation reports.

[4-46-103]

SECTION 2. The commissioner of human resources may promulgate rules to implement the provisions of this act. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[Effective date 5/27/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 576**SENATE BILL NO. 114**

**By Gardenhire, Jackson, Hensley, Bell, Kelsey, Kyle, Massey, Walley,
Briggs, Campbell, White, Yager, Gilmore, Akbari, Crowe, Pody,
Stevens, Watson, Yarbrow**

Substituted for: House Bill No. 130

By Hazlewood, White, Shaw, Curcio, Whitson, Hawk, Haston, Jernigan,
Howell, Hodges, Littleton, Powell, Hall, Gillespie, Ramsey, Parkinson,
Rudder, Freeman, Faison, Lamberth, Russell, Moon, Ogles, Gary Hicks,
Wright, Towns, Hardaway, Garrett, Chism, Zachary, Bricken, Calfee,
Leatherwood, Sherrell, Windle, Kumar, Smith, Moody, Doggett, Todd,
Thompson, Eldridge, Helton, Cepicky, Alexander, Keisling, Hurt, Garringer,
Hakeem, Beck, Boyd, Farmer, Warner, Williams, Baum, Gant, Miller, Tim
Hicks, Camper, Powers, Gloria Johnson, Sparks, Crawford, Lafferty, Marsh,
Lynn, Love, Clemmons, Dixie, Mannis

AN ACT to amend Tennessee Code Annotated, Title 33, relative to the
department of intellectual and developmental disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[33-1-309]

SECTION 1. Tennessee Code Annotated, Section 33-1-309(d), is amended
by designating the existing language as subdivision (d)(1) and adding the
following as a new subdivision:

(2) The methodology must include an increase of the hourly
wage for direct care professionals employed at contracted agencies of
DIDO for the home-and community-based waiver programs for persons
with intellectual and developmental disabilities, or any successor
programs, such that on July 1, 2021, the hourly wage is at least twelve
dollars and fifty cents (\$12.50) per hour.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare
requiring it.

PUBLIC CHAPTER NO. 577**SENATE BILL NO. 118****By Haile, Massey, Akbari, Rose**

Substituted for: House Bill No. 490

By Terry, Hodges, Ramsey, Dixie, Smith, Hardaway, Curcio, Faison, Miller,
Helton, Freeman, Thompson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 4, Chapter 3; Title 38, Chapter 3; Title 39, Chapter 17; Title 43; Title 50; Title 53; Title 63; Title 67 and Title 68, relative to the regulation of cannabis for medical use.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 68, ch. 7; 68-7-101; 68-7-102; 68-7-103; 68-7-104; 68-7-105; 68-7-106; 68-7-107; 68-7-108; 68-7-109]

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

68-7-101.

(a) There is created the medical cannabis commission. The commission shall serve as a resource for the study of federal and state laws regarding medical cannabis and the preparation of legislation to establish an effective, patient-focused medical cannabis program in this state upon the rescheduling or descheduling of marijuana from Schedule I of the federal Controlled Substances Act (21 U.S.C. § 801, et seq.).

(b) This chapter does not authorize a medical cannabis program to operate in this state, and licenses for such a program shall not be issued, or authorized to be issued, until marijuana is removed from Schedule I of the federal Controlled Substances Act.

68-7-102.

(a) The commission consists of nine (9) members appointed as follows:

(1) The speaker of the senate shall appoint three (3) members, with at least one (1) member being a physician licensed under title 63, chapter 6 or 9 and one (1) member being a pharmacist licensed under title 63, chapter 10;

(2) The speaker of the house of representatives shall appoint three (3) members, with at least one (1) member being a physician licensed under title 63, chapter 6 or 9 and one (1) member being a pharmacist licensed under title 63, chapter 10; and

(3) The governor shall appoint three (3) members, with one (1) appointed from each grand division.

(b)(1) Initial appointments begin July 1, 2021, and expire as follows:

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(A) Terms for members appointed by the governor expire on June 30, 2023;

(B) Terms for members appointed by the speaker of the senate expire on June 30, 2024; and

(C) Terms for members appointed by the speaker of the house of representatives expire on June 30, 2025.

(2) Following the expiration of initial appointments as prescribed in subdivision (b)(1), all appointments to the commission are for terms of four (4) years and begin on July 1 and terminate on June 30.

(3) All members serve until the expiration of the term to which they were appointed and until their successors are appointed.

(4) A vacancy occurring prior to the expiration of the member's term must be filled in the same manner as the vacated appointment for the remainder of the unexpired term.

(5) Notwithstanding subdivision (b)(3), the appointing authority may remove a member appointed by the authority only for just cause, including misconduct, incompetency, or willful neglect of duty, after first delivering to the member a copy of the charges against the member.

(6) Members are eligible for reappointment to the commission following the expiration of their terms; except, that no member may serve more than two (2) full four-year terms consecutively.

(c)(1) The appointing authority shall remove from the commission a member who is absent from more than fifty percent (50%) of the scheduled commission meetings in a twenty-four-month period and shall appoint a new member to fill the remainder of the unexpired term.

(2) The presiding officer of the commission shall promptly notify, or cause to be notified, the applicable appointing authority of a member who violates the attendance requirement described in subdivision (c)(1).

(d) The members comprising the commission must be at least thirty (30) years of age and have been residents of this state for at least two (2) years preceding their appointment.

(e) In making appointments to the commission, the appointing authorities shall strive to:

(1) Ensure that the commission is composed of persons who are considered experts in the fields of health care, mental health, business, management, agriculture, or law enforcement and have demonstrated a commitment to integrity, ethics, and professionalism; and

(2) Select persons who are diverse in race, color, sex, ethnicity, national origin, and age, as reflected in the population of this state.

(f) A person who has an economic interest in a business enterprise devoted to medical or recreational cannabis or hemp is not eligible

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for appointment to the commission. A commission member shall not acquire an economic interest in a business enterprise devoted to medical or recreational cannabis or hemp during the member's term on the commission or within twelve (12) months following the expiration of the member's term. The commission shall take adverse action, which may include a denial or suspension of a medical cannabis license for up to two (2) years, against a business enterprise devoted to medical or recreational cannabis or hemp that provides an economic interest to a commission member during the member's term or within twelve (12) months following the expiration of the term. For purposes of this subsection (f), "economic interest" means employment or direct ownership of an equity interest in a business enterprise devoted to medical or recreational cannabis or hemp, including direct ownership of stock or shares of the business enterprise.

(g) Prior to beginning their duties, each member of the commission shall take and subscribe to the oath of office provided for state officers.

68-7-103.

(a) The official domicile of the commission is in Nashville. All meetings of the commission must be held in Nashville.

(b) The commission must be impaneled and hold its first meeting no later than October 1, 2021, at which time, and annually thereafter, the members shall elect a chair and other officers as the members deem necessary.

(c) The commission shall meet in Nashville at least once every two (2) months prior to March 1, 2023, and hold other meetings for any period of time as may be necessary for the commission to transact and perform its official duties and functions. Beginning March 1, 2023, the commission is authorized to meet less frequently than once every two (2) months; provided, that the commission shall set and hold regular meetings necessary for the commission to transact and perform its official duties and functions. The commission may hold a special meeting at any time it deems necessary and advisable in the performance of its official duties. Five (5) members of the commission constitute a quorum for the transaction of business or the performance of a duty, power, or function of the commission; provided, that five (5) affirmative votes are required to adopt or report out a resolution or recommendation of the commission. A special meeting may be called by the chair or by a majority of the commission. The commission may participate by electronic or other means of communication pursuant to § 8-44-108 for the benefit of the public and the commission in connection with a meeting authorized by law; provided, that a physical quorum is maintained at the location of the meeting.

68-7-104. All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

68-7-105.

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(a) The commission shall appoint an executive director qualified by education and experience. The executive director must demonstrate knowledge and experience in the areas of public administration, public health, or law enforcement.

(b) The commission shall fix the salary of the executive director, who shall serve at the pleasure of the commission. The executive director shall be the chief administrative officer of the commission and the appointing authority, as defined in § 8-30-103, exercising general supervision over all persons employed by the commission.

(c) The executive director has the following duties:

(1) Keep a written record of all proceedings and transactions of the commission, which must be open to public inspection during regular office hours;

(2) Assist the commission in researching and examining federal laws, the effectiveness of other states' laws and legislation, and laws and legislation in this state relating to the medical use of cannabis;

(3) Oversee the preparation of recommendations to the general assembly, including proposed legislation;

(4) Represent the commission before the general assembly;

(5) Prepare the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the commission;

(6) Employ personnel, within the budget, to assist in carrying out this chapter;

(7) Carry out all policies that are adopted by the commission;

(8) Be responsible for the performance of all duties and functions delegated by the commission; and

(9) Supervise the expenditure of funds.

(d) The executive director shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

68-7-106. The commission is attached to the department of health for administrative matters relating to budgeting, audit, and other related items, and for additional administrative support, including the use of information technology systems, human resources support, and clerical assistance as may be necessary for the effective administration and enforcement of this chapter.

68-7-107. The commission shall adopt and implement a conflict of interest policy for its members. The policy must mandate annual written disclosures of financial interests and other possible conflicts of interest and an acknowledgement by commission members that they have read and understand all aspects of the policy. The policy must also require persons who are to be appointed to acknowledge,

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as a condition of appointment, that they are not in conflict with the conditions of the policy.

68-7-108.

(a) In anticipation of a potential rescheduling or descheduling of marijuana from Schedule I of the federal Controlled Substances Act (21 U.S.C. § 801, et seq.), the commission shall examine federal laws, the effectiveness of other states' laws and legislation, and laws and legislation in this state relating to the medical use of cannabis, specifically considering issues relating to:

- (1) Patient qualification;
- (2) Patient registration;
- (3) The role of physicians, nurse practitioners, and physician assistants in recommending and prescribing the medical use of cannabis;
- (4) The role of pharmacists in medical cannabis programs for recommending, prescribing, and dispensing medical cannabis;
- (5) Preventing nonmedical personnel from recommending, prescribing, and dispensing medical cannabis;
- (6) Licensing and regulation of facilities and providers of medical cannabis services, including medical cannabis:
 - (A) Cultivation;
 - (B) Processing;
 - (C) Labelling;
 - (D) Transporting;
 - (E) Shipping; and
 - (F) Distributing;
- (7) Establishing guidelines for determining acceptable medical uses;
- (8) Testing of medical cannabis to ensure product safety;
- (9) The role of other departments and state regulatory agencies and boards;
- (10) The role of law enforcement;
- (11) Current criminal laws relating to the possession and use of marijuana;
- (12) Taxes and fees;
- (13)(A) The development of a recommended standard of care, including, but not limited to:
 - (i) Medical certification of qualifying diseases or conditions;
 - (ii) Treatment methods;
 - (iii) Medical history and physical examination, prior medication history, and history of substance abuse;

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(iv) Alternative modalities, including modalities attempted and used;

(v) Dosing and route of administration recommendations; and

(vi) Drug interactions and contraindications; and

(B) Requiring that a board that licenses persons who would certify a qualifying medical disease or condition, or dispense medical cannabis, must consider recommended standards of care and adopt by policy an appropriate standard of care before a person licensed by such board may qualify a medical disease or condition, or dispense medical cannabis, under a state medical cannabis program; and

(14) Other issues relevant to the medical use of cannabis.

(b) For the purposes of facilitating patient reciprocity with other states, the commission shall prioritize the recommendations for the creation of a patient registration process or program that includes patients with a qualifying medical disease or condition recommended by the commission.

(c) The commission shall prepare recommendations for how best to establish an effective, patient-focused medical cannabis program in this state and include proposed legislation in its recommendations, including provisions that create an independent and financially self-sufficient commission, to be governed by its appointed members, to administer the program. With its recommendations regarding self-sufficiency, the commission shall also include a strategy for repaying the state general fund for appropriations it receives to establish the commission and any subsequent medical cannabis program.

(d) The commission shall report its findings and recommendations to the general assembly relating to the medical use of cannabis in this state. The report must be submitted in writing to the chief clerks of the senate and the house of representatives and the legislative librarian no later than January 1 of each year, beginning in 2022. The report may be submitted electronically.

68-7-201. For purposes of this chapter:

(1) "Bona fide practitioner-patient relationship" means a practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical disease or condition, including an appropriate examination and confirmation of the patient having a qualifying medical disease or condition;

(2) "Commission" means the medical cannabis commission;

(3) "Medical cannabis program":

(A) Means a program that authorizes the licensing or regulation of the cultivation, processing, shipping, or distribution of cannabis for medical use; and

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(B) Does not include a four-year public or private institution of higher education operating pursuant to § 39-17-402(16)(E);

(4) "Practitioner" means a physician who is licensed to practice medicine in this state pursuant to title 63, chapter 6, or osteopathic medicine in this state pursuant to title 63, chapter 9;

(5) "Qualifying medical disease or condition" means:

(A) Alzheimer's disease;

(B) Amyotrophic lateral sclerosis (ALS);

(C) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain;

(D) Inflammatory bowel disease, including Crohn's disease and ulcerative colitis;

(E) Epilepsy or seizures;

(F) Multiple sclerosis;

(G) Parkinson's disease;

(H) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); or

(I) Sickle cell disease; and

(6) "Valid letter of attestation" means a letter signed and dated by a practitioner with whom the patient has a bona fide practitioner-patient relationship, that:

(A) Attests that the patient has a qualifying medical disease or condition;

(B) Specifies the patient's qualifying medical disease or condition;

(C) Attests that the patient has received conventional methods of treatment for the patient's qualifying medical disease or condition and those methods have insufficiently addressed the patient's disease or condition, or symptoms of the disease or condition; and

(D) Is only valid six (6) months from the date of the practitioner's signature, or to a date certain that is less than six (6) months from the date of the signature if specified by the practitioner.

[4-29-244; 68-7-102]

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by adding the following as a new subdivision:

() Medical cannabis commission, created by § 68-7-101;

[39-17-402]

SECTION 3. Tennessee Code Annotated, Section 39-17-402(16)(F), is amended by deleting the subdivision and substituting instead the following:

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(F) The term “marijuana” does not include oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol, if:

(i)(a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol; and

(b) The person in possession of the oil retains:

(1) Proof of the legal order or recommendation from the issuing state; and

(2) Proof that the person or the person’s immediate family member has been diagnosed with intractable seizures or epilepsy by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state; or

(ii)(a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol on a printed label that includes the manufacturer’s name and the expiration date, batch number or lot number, and tetrahydrocannabinol concentration strength of the oil; and

(b) The person in possession of the oil retains:

(1) Proof of the legal order or recommendation from the issuing state;

(2) Proof that the person or the person’s immediate family member has been diagnosed with at least one (1) of the following diseases or conditions by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state:

(A) Alzheimer’s disease;

(B) Amyotrophic lateral sclerosis (ALS);

(C) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain;

(D) Inflammatory bowel disease, including Crohn’s disease and ulcerative colitis;

(E) Multiple sclerosis;

(F) Parkinson’s disease;

(G) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); or

(H) Sickle cell disease; and

(3) Proof that the person or the person’s immediate family member has a valid letter of attestation, as defined in § 68-7-201;

[Effective date 5/27/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 578**SENATE BILL NO. 122****By Haile**

Substituted for: House Bill No. 1501

By Cochran, White, Todd, Smith, Howell

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 6, relative to kindergarten through grade twelve (K-12) education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[T. 49, ch. 6, part 37; 49-6-3701; 49-6-3702; 49-6-3703; 49-6-3704; 49-6-3705; 49-6-3706; 49-6-3707; 49-6-3708]

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-3601.

This part is known and may be cited as the "School Turnaround Pilot Program Act."

49-6-3602.

As used in this part:

(1) "Department" means the department of education;

(2) "Non-pilot school" means a priority school that is not assigned by the department to participate in the school turnaround pilot program;

(3) "Priority school" means a school placed in priority status pursuant to § 49-1-602 that is identified by the commissioner of education as a priority school;

(4) "School in need of intervention" means a priority school that is assigned by the department to the school turnaround pilot program; and

(5) "School turnaround pilot program" or "pilot program" means the pilot program developed by the department in accordance with this part.

49-6-3603.

(a) The department shall create and develop a four-year school turnaround pilot program for priority schools pursuant to § 49-6-3604.

(b) The department shall select five (5) priority schools that are diverse in grade levels to participate in the pilot program. The department shall select at least one (1) priority school from each grand division of this state to ensure that the priority schools selected to participate in the pilot program are geographically diverse.

(c) The department shall operate and administer the pilot program for four (4) school years beginning with the 2021-2022 school year. In

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the 2021-2022 school year, schools in need of intervention must develop a school turnaround plan.

(d)(1) In the three (3) school years from the 2022-2023 school year through the 2024-2025 school year, each school in need of intervention must implement the school's respective school turnaround plan.

(2) The department shall evaluate the progress of each school in need of intervention to determine whether the school meets the priority school exit criteria established by the state's federally approved Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (ESSA) (20 U.S.C. § 6301 et seq.) at the end of each school year of the pilot program. The department shall begin the department's evaluations of schools in need of intervention pursuant to this subdivision (d)(2) following the 2022-2023 school year and shall conclude its evaluations at the end of the 2024-2025 school year.

(e) By October 1, following the end of each school year in which the school turnaround pilot program is in effect, and at the end of the pilot program, the department shall file with the education committees of the senate and the house of representatives a report evaluating the progress of the pilot program. The report must address the implementation and effectiveness of comprehensive support and improvement plans implemented by non-pilot schools and school turnaround plans implemented by schools in need of intervention in addressing the prioritized needs of the respective school that resulted in the school's designation as a priority school. The final report must:

(1) Compare the student performance outcomes for the schools in need of intervention and for the non-pilot schools;

(2) Compare the outcomes for each of the schools in need of intervention, identifying:

(A) How the school turnaround plans developed by the schools in need of intervention that met the priority school exit criteria during the pilot program differ from the schools in need of intervention that did not meet the priority school exit criteria during the pilot program; and

(B) How the schools in need of intervention that did not meet the priority school exit criteria during the pilot program improved, if at all, during the pilot program; and

(3) Make recommendations as to whether the school turnaround plans developed as part of the pilot program should be replicated in non-pilot schools.

49-6-3604.

(a) The department shall use the same outcomes-based performance measures used in the state's accountability model to designate priority schools as schools in need of intervention for purposes of the school turnaround pilot program.

(b) Before the department designates a priority school as a school in need of intervention in accordance with subsection (a), the department

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shall develop a model school turnaround plan for local boards of education, school turnaround committees, and independent school turnaround experts to reference when creating school turnaround plans for schools in need of intervention.

49-6-3605.

(a) A local board of education shall require a priority school to participate in the school turnaround pilot program if the department designates the school as a school in need of intervention. By September 1, 2021, the department shall identify priority schools designated as schools in need of intervention to participate in the pilot program.

(b) A school in need of intervention that is required to participate in the pilot program must remain in the pilot program until the conclusion of the pilot program.

49-6-3606.

(a) By September 30, 2021, the local board of education for a priority school that the department has designated as a school in need of intervention shall establish a school turnaround committee for each school in the LEA that is participating in the school turnaround pilot program. The school turnaround committee shall make recommendations concerning the school turnaround plan to the local board of education. The school turnaround committee must be composed of the following members:

(1) The local school board member who represents the voting district in which the school is located;

(2) The principal of the school;

(3) Three (3) parents of students enrolled in the school, to be appointed by the director of schools;

(4) Two (2) teachers at the school, to be appointed by the local board of education; and

(5) Two (2) teachers at the school, to be appointed by the director of schools.

(b)(1) The members of the school turnaround committee must serve until the end of the pilot program, unless a member ceases to qualify for the position.

(2) Before the end of the pilot program, if a person replaces the local board of education member serving on the school turnaround committee on the local board of education, or, if the local board of education appoints a new principal of the school, then the new local board of education member or the new principal fills the position on the school turnaround committee held by the new local board of education member's or the new school principal's predecessor.

(3) If, before the end of the pilot program, a parent member ceases to have a student enrolled at the school in the pilot program, a teacher member ceases to teach at the school in the pilot program, or a parent or teacher member resigns or otherwise cannot fulfill the

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member's duties, then the member's position on the school turnaround committee is vacated and the respective appointing authority shall appoint a new member to serve the remainder of the pilot program on the school turnaround committee.

(c) By November 30, 2021, the local board of education shall contract with an independent school turnaround expert from a list of qualified experts provided by the department pursuant to § 49-6-3607, who shall develop a school turnaround plan in collaboration with the school turnaround committee that includes:

(1) The findings of the analysis conducted by the independent school turnaround expert described in § 49-6-3607;

(2) Recommendations compliant with state and federal law regarding changes to the school's personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, policies, or other areas that may be necessary to implement the school turnaround plan;

(3) Measurable student achievement goals and objectives;

(4) A professional development plan that identifies strategies to address problems of instructional practice;

(5) A leadership development plan focused on strategies to turn around the school;

(6) How progress will be monitored and assessed;

(7) How data on progress will be communicated and reported to stakeholders; and

(8) A timeline for implementation that aligns with the timelines established for the pilot program in this part.

(d)(1) By March 1, 2022, the school turnaround committee shall submit the recommended school turnaround plan to the local board of education. The local board of education may recommend changes to the school turnaround committee for the school turnaround plan, but the school turnaround committee and the local board of education must agree on a final school turnaround plan. The local board of education shall submit the final school turnaround plan to the department for approval by April 1, 2022.

(2) If the local board of education and the school turnaround committee do not agree on the final school turnaround plan before April 1, 2022, then the local board of education and the school turnaround committee may independently submit a proposed school turnaround plan to the department for approval. The department may make any necessary changes to a proposed school turnaround plan submitted to the department, but shall approve one (1) of the proposed school turnaround plans for the school in need of intervention.

(3) Upon the department's receipt of a school turnaround plan submitted for approval pursuant to subdivision (d)(1), the department shall:

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(A) Review a school turnaround plan submitted for approval under subdivision (d)(1) within thirty (30) days of submission; and

(B) Approve a school turnaround plan submitted in accordance with subdivision (d)(1) that is timely, well-developed, and aligned with the rubric developed by the department. The department may recommend additional changes to the school turnaround plan submitted to the department before the department approves the school turnaround plan.

49-6-3607.

(a) The department shall establish the minimum qualifications required for independent school turnaround experts and provide LEAs with a list of at least two (2) qualified independent school turnaround experts. The list of qualified experts must be procured competitively and in compliance with all state laws and rules regarding the procurement of goods and services by state agencies. In establishing the minimum qualifications required for independent school turnaround experts, the department shall ensure that each qualified independent school turnaround expert:

(1) Has a credible track record of improving student academic achievement in public schools with various demographic characteristics, as evidenced by statewide assessment results;

(2) Has experience designing, implementing, and evaluating data-driven instructional systems in public schools;

(3) Has experience coaching public-school administrators and teachers on designing and implementing data-driven school turnaround plans;

(4) Has experience collaborating with the various education entities that govern public schools;

(5) Has experience delivering high-quality professional development and coaching in instructional effectiveness to public school administrators and teachers; and

(6) Is willing to travel to a school in need of intervention regardless of the school's location.

(b) The local board of education for a school in need of intervention shall select and contract with an independent school turnaround expert identified on the list of qualified independent school turnaround experts provided by the department to:

(1) Collect and analyze data on the achievement, personnel, culture, curriculum, assessments, instructional practices, governance, leadership, finances, and policies of a school assigned to the school turnaround group;

(2) Recommend changes compliant with state and federal law to the school's culture, curriculum, assessments, instructional practices, governance, finances, policies, or other areas based on data collected under subdivision (b)(1);

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(3) Develop and implement, in partnership with the school turnaround committee, a school turnaround plan that meets the criteria described in § 49-6-3606(c);

(4) Monitor the effectiveness of a school turnaround plan through various means of evaluation, including, but not limited to, on-site visits, observations, surveys, analysis of student achievement data, and interviews;

(5) Provide ongoing implementation support and project management for a school turnaround plan;

(6) Provide high-quality professional development and coaching personalized for the staff of a school assigned to the school turnaround group that is designed to build the:

(A) Leadership capacity of the school principal;

(B) Instructional capacity of the school staff; and

(C) Collaborative practices of teacher and leadership teams;

(7) Provide job-embedded professional learning and coaching for all instructional staff on an ongoing basis; and

(8) Provide a principal of a school assigned to the school turnaround group job-embedded professional learning and coaching at least twice per month during the school year that focuses on strategies to improve the performance of the school.

(c) The contract payments to the independent school turnaround expert required in § 49-6-3606(c) must be structured as follows:

(1) An independent school turnaround expert receives the initial fifty percent (50%) of the payment due for all services provided under the contract on a prorated basis over the term of the contract; and

(2) The local board of education shall not render the remaining fifty percent (50%) of the payment due to the independent school turnaround expert for all services provided under the contract until the end of the school turnaround pilot program, but such payment is only rendered if the school in need of intervention served by the independent school turnaround expert meets the priority school exit criteria by the end of the 2024-2025 school year.

(d) Subject to available funds, the department may develop a program to incentivize independent school turnaround experts, and the schools in need of intervention to which they are providing services, to meet the priority school exit criteria prior to the 2024-2025 school year.

49-6-3608.

Subject to available funds, the department shall provide grants to local boards of education with schools in need of intervention to facilitate the implementation of interventions identified in an approved school turnaround plan, including the funding of contracts with qualified independent school turnaround experts.

PUBLIC CHAPTER NO. 578 (cont'd)**[49-6-3708]**

SECTION 2. It is the legislative intent that any funds appropriated to implement this act by the general appropriations act shall not be obligated or expended until fiscal year 2025.

[Effective date 5/27/2021]

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 579**SENATE BILL NO. 138****By Massey, Robinson**

Substituted for: House Bill No. 123

By Howell, Hardaway, Whitson, Crawford, Miller

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4, relative to special license plates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[55-4-203]

SECTION 1. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Hampton University;

[55-4-362]

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Hampton University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain the colors and logo of Hampton University and must include any other appropriate design representative of the university. The plates must be designed in consultation with a representative from the Chattanooga chapter of the National Hampton Alumni Association (NHAA), Inc.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the National Hampton Alumni Association, Inc., in accordance with § 55-4-301, to be used exclusively for funding scholarships for students from Tennessee.

[55-4-203]

SECTION 3. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() The Compassionate Friends;

PUBLIC CHAPTER NO. 579 (cont'd)**[55-4-359]**

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Compassionate Friends new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate logo or design representative of The Compassionate Friends, Inc. The plates must be designed in consultation with a representative from The Compassionate Friends, Inc..

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to The Compassionate Friends, Inc., in accordance with § 55-4-301, to be used exclusively in this state to support bereaved families following the death of a child.

[55-4-313]

SECTION 5. Tennessee Code Annotated, Section 55-4-313(d), is amended by deleting the language "July 1, 2021" and substituting instead the language "July 1, 2022".

[55-4-203]

SECTION 6. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Sheriff's and Police Activities League of Memphis and Shelby County;

[55-4-328]

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Sheriff's and Police Activities League of Memphis and Shelby County new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate design representative of Memphis Shelby Sheriff's & Police Activities League of Memphis & Shelby County, TN.

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The plates must be designed in consultation with a representative from Memphis Shelby Sheriff's & Police Activities League of Memphis & Shelby County, TN.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to Memphis Shelby Sheriff's & Police Activities League of Memphis & Shelby County, TN in accordance with § 55-4-301, to be used for funding the development and construction of a multi-purpose youth development park in the Frayser neighborhood.

[55-4-203]

SECTION 8. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

(j) Millennial Debt Foundation;

[55-4-389]

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Millennial Debt Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate design representative of the Millennial Debt Foundation. The plates must be designed in consultation with a representative of the Millennial Debt Foundation.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the Millennial Debt Foundation in accordance with § 55-4-301, to be used for educating the public on the need for fiscal stewardship in government.

[55-4-229]

SECTION 10. Tennessee Code Annotated, Section 55-4-229(b), is amended by deleting the following language:

The design on the Legislator Emeritus special purpose license plates shall be distinguishable from the special purpose license plates authorized by § 55-4-220 for members or former members of the general assembly. There shall be an image of the state capitol on the left half of the plate and the plate shall bear the legend "Legislator Emeritus".

and substituting instead the following:

The design on the Legislator Emeritus special purpose license plates must be distinguishable from the special purpose license plates authorized by § 55-4-220 for members or former members of

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the general assembly. Additionally, there must be two (2) different design options for eligible current or former members of the general assembly to indicate the member's service in the senate or the house of representatives. A member who is eligible under subsection (a) and who served in each house of the general assembly may choose which plate to be issued. One (1) design must be an image of the state capitol on the left half of the plate with the plate bearing the legend "Senator Emeritus". The other design must be an image of the state capitol on the left half of the plate with the plate bearing the legend "Representative Emeritus".

[55-4-203]

SECTION 11. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() The Equity Alliance;

[55-4-358]

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Equity Alliance new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate logo or design representative of The Equity Alliance. The plates must be designed in consultation with a representative from The Equity Alliance.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to The Equity Alliance in accordance with § 55-4-301, to be used exclusively in this state to equip Tennesseans with tools and strategies to engage in the civic process and empower them to take action on issues affecting their daily lives through civic engagement, voter registration, voter education, and other related programs.

[55-4-253]

SECTION 13. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (4)(A) and substituting instead the following:

For veterans and civilian veterans of Vietnam, the strip along the bottom of the license plate must read "Vietnam Veteran," and the symbol on the left must be the Vietnam Service Medal. Award of the Vietnam Service Medal and proof of honorable service, or appropriate

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civilian documentation, is required for a veteran or civilian veteran to obtain the Vietnam Veteran plate.

[55-4-253]

SECTION 14. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (6)(A) and substituting instead the following:

For veterans and civilian veterans of the Korean War, the strip along the bottom of the license plate must read "Korean War Veteran," and the symbol on the left must be the Korean Service Medal. Award of the Korean Service Medal and proof of honorable service, or appropriate civilian documentation, is required for a veteran or civilian veteran to obtain the Korean War Veteran plate.

[55-4-253]

SECTION 15. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (7)(A) and substituting instead the following:

For veterans and civilian veterans of Operation Desert Storm, the strip along the bottom of the license plate must read "Desert Storm Veteran," and the symbol on the left must be the Southwest Asia Service Medal. Award of the Southwest Asia Service Medal and proof of honorable service, or appropriate civilian documentation, is required for a veteran or civilian veteran to obtain the Desert Storm Veteran plate.

[55-4-253]

SECTION 16. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (8)(A) and substituting instead the following:

For veterans and civilian veterans of the peacekeeping mission in Bosnia, the strip along the bottom of the license plate must read "Bosnia Veteran," and the symbol on the left must be the NATO Medal for the former Yugoslavia. Award of the NATO Medal for the former Yugoslavia and proof of honorable service, or appropriate civilian documentation, is required for a veteran or civilian veteran to obtain the Bosnia Veteran plate.

[55-4-253]

SECTION 17. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (9)(A) and substituting instead the following:

For honorably discharged veterans of Operation Iraqi Freedom and active members of the United States armed forces who served in Operation Iraqi Freedom, the strip along the bottom of the license plate must read "Operation Iraqi Freedom," and the symbol on the left must be the Iraq Campaign Medal. Award of the Iraq Campaign Medal and proof of honorable service or active service is required for a veteran or service member to obtain the Operation Iraqi Freedom plate.

[55-4-253]

SECTION 18. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (10)(A) and substituting instead the following:

For honorably discharged veterans of Operation Enduring Freedom and active members of the United States armed forces who served in Operation Enduring Freedom, the strip along the bottom of the license plate must read "Operation Enduring Freedom," and the symbol on the left must be the Afghanistan Campaign Medal. Award of the Afghanistan Campaign Medal and proof of honorable service or active service is required for a veteran or service member to obtain the Operation Enduring Freedom plate.

[55-4-253]

SECTION 19. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (11)(A) and substituting instead the following:

For honorably discharged veterans of Operation New Dawn and active members of the United States armed forces who served in Operation New Dawn, the strip along the bottom of the license plate must read "Operation New Dawn," and the symbol on the left must be the Iraq Campaign Medal. Award of the Iraq Campaign Medal and proof of honorable service or active service is required for a veteran or service member to obtain the Operation New Dawn plate.

[55-4-253]

SECTION 20. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (13)(A) and substituting instead the following:

For honorably discharged veterans of the peacekeeping mission in Somalia occurring between December 5, 1992, and March 3, 1994, the strip along the bottom of the license plate must read "Somalia Veteran," and the symbol on the left must be the Armed Forces Expeditionary Medal. Award of the Armed Forces Expeditionary Medal and proof of honorable service is required for a veteran to obtain the Somalia Veteran plate.

[55-4-253]

SECTION 21. Tennessee Code Annotated, Section 55-4-253(c), is amended by deleting subdivision (15)(A) and substituting instead the following:

For honorably discharged veterans of Operation Inherent Resolve and active members of the United States armed forces who served in Operation Inherent Resolve, the strip along the bottom of the license plate must read "Operation Inherent Resolve," and the symbol on the left must be the Inherent Resolve Campaign Medal. Award of the Inherent Resolve Campaign Medal and proof of honorable service or active service is required for a veteran or service member to obtain the Operation Inherent Resolve plate.

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[55-4-253]

SECTION 22. The redesign of the license plates provided for in Sections 13 - 21 of this act must be effectuated only upon the existing inventory of plates being utilized by the department of revenue.

[55-4-203]

SECTION 23. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Chattanooga;

[55-4-331]

SECTION 24. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Chattanooga new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate design representative of tourism or the City of Chattanooga. The plates must be designed in consultation with a representative of the Chattanooga Tourism Foundation.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the Chattanooga Tourism Foundation in accordance with § 55-4-301, to be used to support and promote tourism-related activities, events, and projects, to enhance the image, culture, and the economic and social prosperity of Hamilton County, Tennessee, and the surrounding area, and to pursue and support charitable activities.

[55-4-203]

SECTION 25. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Chattanooga Football Club;

[55-4-333]

SECTION 26. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to

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registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Chattanooga Football Club new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must contain an appropriate logo or design representative of Chattanooga Football Club. The plates must be designed in consultation with a representative from the Chattanooga FC Foundation.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the Chattanooga FC Foundation in accordance with § 55-4-301, to be used exclusively in this state to enrich the lives of children and families in Chattanooga found in economically or culturally challenged neighborhoods, to build a strong community and healthy lifestyles through partnerships with local churches, schools, and recreation centers, and to support after-school and summer soccer programs that seek to develop creativity, discipline, social skills, and team building.

[55-4-203]

SECTION 27. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() The Ohio State University;

[55-4-363]

SECTION 28. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Ohio State University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must bear the official colors and logo of The Ohio State University and include the language "OHIO STATE" in an appropriate design. The design of the plates must be approved by The Ohio State University prior to production, and must afford the trademark protection as The Ohio State University may require as otherwise permitted by law. All uses of the colors and logo of The Ohio State University inure to the benefit of The Ohio State University.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the Ohio State Club of Middle Tennessee in accordance with § 55-4-301, to be used exclusively for funding scholarships for students from Tennessee.

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[55-4-203]

SECTION 29. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() CASA;

[55-4-344]

SECTION 30. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a CASA new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of CASA of the Tennessee Valley.

(c) The funds produced from the sale of CASA new specialty earmarked license plates must be allocated to CASA of the Tennessee Valley in accordance with § 55-4-301. The funds must be used exclusively to support the organization's court appointed special advocates (CASA) mission to recruit, train, and supervise volunteers to advocate for abuse and neglected children within the court system.

[55-4-203]

SECTION 31. Tennessee Code Annotated, Section 55-4-203(c)(5)(G), is amended by adding the following as a new, appropriately designated subdivision:

() Army ranger;

[55-4-204]

SECTION 32. Tennessee Code Annotated, Section 55-4-204(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Army ranger;

[55-4-278]

SECTION 33. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, who is an active, retired, or honorably discharged member of a United States army ranger unit or who is a graduate of the United States army ranger school, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying

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the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a United States army ranger license plate for a motor vehicle authorized by § 55-4-210(c).

(b) All applications pursuant to this section must be accompanied by military orders or other official documentation proving the applicant's eligibility for issuance of a license plate pursuant to this section, to include:

(1) Military orders detailing a current or past assignment to a United States army ranger unit;

(2) Military orders awarding the ranger tab authorized by the United States army to the applicant;

(3) The applicant's certificate of release or discharge from active duty, department of defense form 214 (DD 214), or report of separation and record of service, NGB form 22, indicating the awarding of the ranger tab; or

(4) The diploma issued to the applicant from the United States army ranger school, as proof of eligibility for issuance of a license plate pursuant to this section.

(c) In addition to providing the documentation required under subsection (b):

(1) An active duty member of the military must present a valid military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active duty member of the military; or

(2) A retired or honorably discharged member of the military must present:

(A) A certified copy of the member's certificate of release or discharge from active duty, department of defense form 214 (DD 214), honorable discharge certificate, department of defense form 256 (DD 256), or report of separation and record of service, NGB form 22, that indicates an honorable discharge characterization;

(B) A valid DD form 2 (Retired) military identification card; or

(C) A Tennessee driver license that indicates military service in accordance with § 55-50-354.

(d) The license plates are to feature a likeness of the ranger tab authorized by the United States army and bear the legend "U.S. Army Ranger."

(e) An applicant shall be required to submit the documentation required by subsections (b) and (c) only when initially applying for license plates under this section. Subsequent license plates under this section shall be issued to that person without the repeated presentation of documentation.

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[55-4-379]

SECTION 34. Tennessee Code Annotated, Section 55-4-379, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the Tennessee Chamber of Commerce and Industry new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

[55-4-380]

SECTION 35. Tennessee Code Annotated, Section 55-4-380, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the Mothers Against Drunk Driving (MADD) new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

[55-4-386]

SECTION 36. Tennessee Code Annotated, Section 55-4-386, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the Big Brothers Big Sisters new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

[55-4-360]

SECTION 37. Tennessee Code Annotated, Section 55-4-360, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the IRECYCLE new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

[55-4-203]

SECTION 38. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Drive Electric Tennessee;

[55-4-390]

SECTION 39. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204,

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shall be issued a Drive Electric Tennessee new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of East Tennessee Clean Fuels Coalition.

(c) The funds produced from the sale of Drive Electric Tennessee new specialty earmarked license plates must be allocated to East Tennessee Clean Fuels Coalition in accordance with § 55-4-301. The funds must be used exclusively for electronic vehicle educational purposes.

[55-4-203]

SECTION 40. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tiger Haven;

[55-4-393]

SECTION 41. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Tiger Haven new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of Tiger Haven, Inc.

(c) The funds produced from the sale of Tiger Haven new specialty earmarked license plates must be allocated to Tiger Haven, Inc., in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to protect rescued big cats, including purchasing food and cages for the animals.

[55-4-203]

SECTION 42. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() TennesSEIA;

[55-4-391]

SECTION 43. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

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(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a TennesSEIA new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of Tennessee Solar Energy Industries Association, Inc. (TennesSEIA).

(c) The funds produced from the sale of TennesSEIA new specialty earmarked license plates must be allocated to Tennessee Solar Energy Industries Association, Inc., (TennesSEIA) in accordance with § 55-4-301. The funds must be used exclusively for education regarding solar initiatives.

[55-4-203]

SECTION 44. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

(i) Dyslexia Awareness;

[55-4-356]

SECTION 45. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Dyslexia Awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of the Tennessee Branch of the International Dyslexia Association.

(c) The funds produced from the sale of Dyslexia Awareness new specialty earmarked license plates must be allocated to the Tennessee Branch of the International Dyslexia Association in accordance with § 55-4-301. The funds must be used exclusively to provide advocacy, parent and teacher training, and professional development to schools.

[55-4-345]

SECTION 46. Tennessee Code Annotated, Section 55-4-345(e), is amended by deleting the language “July 1, 2021” and substituting instead the language “July 1, 2022”.

[55-4-203]

SECTION 47. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

- () Cystic Fibrosis Awareness;

[55-4-357]

SECTION 48. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Cystic Fibrosis Awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of Cure For Our Friends.

(c) The funds produced from the sale of the Cystic Fibrosis Awareness new specialty earmarked license plates must be allocated to Cure For Our Friends, in accordance with § 55-4-301. The funds must be used for cystic fibrosis awareness programs in this state and to support the organization's mission to support individuals and families in Tennessee who are affected by cystic fibrosis.

[55-4-203]

SECTION 49. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

- () Natural Gas Fuels Tennessee;

[55-4-392]

SECTION 50. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Natural Gas Fuels Tennessee new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of the Tennessee Gas Association.

(c) The funds produced from the sale of Natural Gas Fuels Tennessee new specialty earmarked license plates must be allocated to the

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Tennessee Gas Association Scholarship Foundation in accordance with § 55-4-301. The funds must be used exclusively to provide scholarships awarded to children of employees of member natural gas companies, pipelines, and business partners of the Tennessee Gas Association who reside in this state.

[55-4-349]

SECTION 51. Tennessee Code Annotated, Section 55-4-349, is amended by adding the following sentence at the end of subsection (b):

The plates must be designed in consultation with a representative of the department of health.

[55-4-349]

SECTION 52. Tennessee Code Annotated, Section 55-4-349, is amended by deleting subsection (c) and substituting instead the following:

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to the department of health in accordance with § 55-4-301. The funds must be used exclusively for breast screening, prevention, and diagnostic services.

[55-4-203]

SECTION 53. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() The Volunteer State;

[55-4-332]

SECTION 54. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Volunteer State new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of the Rocky Mount Historical Association.

(c) The funds produced from the sale of The Volunteer State new specialty earmarked license plates must be allocated to the Rocky Mount Historical Association in accordance with § 55-4-301. The funds must be used exclusively to provide educational and community outreach programs focused upon the history of the Rocky Mount State Historic site and the customs, values, and practices of the early settlers of Tennessee.

[55-4-203]

SECTION 55. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Honor the Fallen;

[55-4-320]

SECTION 56. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued an Honor the Fallen new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of Memories of Honor.

(c) The funds produced from the sale of Honor the Fallen new specialty earmarked license plates must be allocated to Memories of Honor in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission to honor fallen military and the families left behind through athletics, entertainment, and special events to help provide a healthy and active outlet for depression, grief, post-traumatic stress disorder, and survivor's remorse.

[55-4-384]

SECTION 57. Tennessee Code Annotated, Section 55-4-384, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the Enjoy the Ride new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

[55-4-203]

SECTION 58. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Wilson County The Place to Be;

[55-4-319]

SECTION 59. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

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(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Wilson County The Place to Be new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must be designed in consultation with a representative from the county government of Wilson County.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to Wilson Rides, Inc., in accordance with § 55-4-301, to be used exclusively in this state for ride scheduling and volunteer scheduling services.

[55-4-203]

SECTION 60. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Nashville Cares;

[55-4-353]

SECTION 61. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Nashville Cares new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section must be designed in consultation with a representative from Nashville Cares.

(c) The funds produced from the sale of the new specialty earmarked license plates must be allocated to Nashville Cares in accordance with § 55-4-301, to be used exclusively in this state to support the organization's programs and services to fight to eradicate HIV/AIDS in Middle Tennessee and support those persons and families impacted by the disease.

[55-4-203]

SECTION 62. Tennessee Code Annotated, Section 55-4-265(b), is amended by deleting the language "The registration number of the plate shall include the letters 'BS' and a unique identifying number" and substituting instead the language "The registration number of the plate shall include the letters 'FM' and a unique identifying number".

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[55-4-388]

SECTION 63. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Service Dogs;

SECTION 64. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Service Dogs new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section must be designed in consultation with a representative of Smoky Mountain Service Dogs.

(c) The funds produced from the sale of Service Dogs new specialty earmarked license plates must be allocated to Smoky Mountain Service Dogs in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to enhance the physical and psychological quality of life for wounded veterans by providing trained service dogs to disabled veterans.

SECTION 65. Tennessee Code Annotated, Section 55-4-383, is amended by adding the following as a new subsection (d):

Notwithstanding § 55-4-202(k)(1), the Service Dogs Changing Lives new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

SECTION 66. Tennessee Code Annotated, Section 55-4-374, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-202(k)(1), the African American Breast Cancer Awareness new specialty earmarked license plate authorized pursuant to this section has until July 1, 2022, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

SECTION 67. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

[Effective date 7/1/2021]

SECTION 68. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 580**SENATE BILL NO. 166****By Lundberg, Campbell, Massey, Yarbrow, Pody**

Substituted for: House Bill No. 733

By Smith, Jernigan, Mannis, Griffey, Ogles, Beck, Hardaway, Moon, Powell,
Helton, Carr, Terry, Warner, Crawford

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2,
relative to cruelty to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[39-14-212]

SECTION 1. Tennessee Code Annotated, Section 39-14-212, is amended
by deleting subsection (a) and substituting instead the following:

(a) A person commits aggravated cruelty to animals when, with no
justifiable purpose, the person intentionally or knowingly:

(1) Kills, maims, tortures, crushes, burns, drowns, suffocates,
mutilates, starves, or otherwise causes serious physical injury, a
substantial risk of death, or death to a companion animal; or

(2) Fails to provide food or water to the companion animal
resulting in a substantial risk of death or death.

[39-14-212]

SECTION 2. Tennessee Code Annotated, Section 39-14-212, is amended
by deleting subdivision (b)(1).

[Effective date 7/1/2021]

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring
it.

PUBLIC CHAPTER NO. 581

SENATE BILL NO. 222

By Hensley, Roberts

Substituted for: House Bill No. 357

By Curcio, Haston

AN ACT to amend Tennessee Code Annotated, Title 8; Title 16; Title 17 and Title 18, relative to judiciary.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[16-2-506]

SECTION 1. Tennessee Code Annotated, Section 16-2-506(32), is amended by adding the following as a new subdivision:

(C) An employee of the twenty-first judicial district who transfers to the same position in the thirty-second judicial district as of September 1, 2022, must retain the same level of salary and benefits, subject to appropriation by the general assembly in the annual appropriations act.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 582**SENATE BILL NO. 241****By Gardenhire**

Substituted for: House Bill No. 330

By Helton, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 40, relative to the Border Region Retail Tourism Development District Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[7-40-103]

SECTION 1. Tennessee Code Annotated, Section 7-40-103(5), is amended by deleting the language “thirty-year period” and substituting instead the language “thirty-five-year period”.

[7-40-104]

SECTION 2. Tennessee Code Annotated, Section 7-40-104(d), is amended by deleting the language “thirty (30) years” and substituting instead the language “thirty-five (35) years” and deleting the language “thirty-year period” and substituting instead the language “thirty-five-year period”.

[7-40-106]

SECTION 3. Tennessee Code Annotated, Section 7-40-106(b), is amended by deleting the language “thirty (30) years” and substituting instead the language “thirty-five (35) years” and deleting the language “thirty-year period” and substituting instead the language “thirty-five-year period”.

[7-40-108]

SECTION 4. Tennessee Code Annotated, Section 7-40-108, is amended by deleting the language “thirty (30) years” and substituting instead the language “thirty-five (35) years” and deleting the language “thirty-year period” and substituting instead the language “thirty-five-year period”.

[Effective date 5/27/2021]

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 583**SENATE BILL NO. 242****By Roberts**

Substituted for: House Bill No. 1044

By Hall, Todd, Williams

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 1 and Title 65, Chapter 2, relative to the Tennessee public utility commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[65-1-101]

SECTION 1. Tennessee Code Annotated, Section 65-1-101, is amended by deleting the section and substituting instead the following:

(a) There is created the Tennessee public utility commission consisting of seven (7) part-time commissioners. The commission is composed as follows:

(1) Two (2) commissioners appointed by the governor;

(2) Two (2) commissioners appointed by the speaker of the senate;

(3) Two (2) commissioners appointed by the speaker of the house of representatives; and

(4) One (1) commissioner appointed by joint agreement among the governor, the speaker of the senate, and the speaker of the house of representatives.

(b)(1) In making appointments pursuant to subsection (a), the governor, the speaker of the senate, and the speaker of the house of representatives shall strive to ensure that the Tennessee public utility commission is composed of commissioners who are diverse in professional or educational background, ethnicity, geographic residency, perspective, and experience. Except as otherwise provided in subdivision (b)(2), each commissioner of the commission must have at a minimum a bachelor's degree and at least three (3) years' experience in a regulated utility industry, in executive level management, or in one (1) or more of the following fields:

(A) Economics;

(B) Law;

(C) Finance;

(D) Accounting; or

(E) Engineering.

(2) One (1) appointee of the speaker of the senate in subdivision (a)(2) and one (1) appointee of the speaker of the house of representatives

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in subdivision (a)(3) must be a public member with no experience in a regulated utility industry.

(c)(1) The term of office of each commissioner commences on July 1, following such commissioner's appointment.

(2) The commissioners of the commission are state officers, continue to serve until the commissioner's successor is appointed, and serve six-year terms as follows:

(A) The term of one (1) of the commissioners appointed pursuant to subdivision (a)(1) expires every six (6) years, beginning with the first term to end on June 30, 2017, and subsequent terms to end every six (6) years thereafter. The term of the commissioner reappointed by joint agreement among the governor, the speaker of the senate, and the speaker of the house of representatives that began on July 1, 2018, and is now an appointment of the governor expires every six (6) years, beginning with the term that ends June 30, 2024;

(B) The terms of the commissioners appointed pursuant to subdivisions (a)(2) and (3) expire every six (6) years, beginning with the first terms to end on June 30, 2014, and subsequent terms to end every six (6) years thereafter; provided, however, that the first term of the public members appointed under subdivisions (a)(2) and (3) shall begin July 1, 2021, and expire June 30, 2026; and

(C) The term of the commissioner appointed pursuant to subdivision (a)(4) expires every six (6) years, beginning with the first term to end on June 30, 2018, and subsequent terms to end every six (6) years thereafter.

(d)(1) All commissioner appointments must be confirmed by joint resolution adopted by each house of the general assembly within ninety (90) days after the appointment, if the general assembly is in session. If the general assembly is not in session, appointments must be confirmed within ninety (90) days after the general assembly next convenes following the appointment.

(2) Any vacancy on the commission must be filled by the original appointing authority for such position to serve the unexpired term, and each appointment must be confirmed in the same manner as the original appointment. If, however, the general assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee serves the unexpired term, unless the appointment is not confirmed within ninety (90) days after the general assembly convenes following the appointment to fill such vacancy.

[65-1-104]

SECTION 2. Tennessee Code Annotated, Section 65-1-104(d), is amended by deleting the first two sentences and substituting instead the following:

The chair shall assign each matter before the commission to a panel of five (5) voting members from among the commissioners. The

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remaining two (2) voting members of the commission, who are not assigned to a particular panel, shall not vote or deliberate regarding such matters.

[65-1-105]

SECTION 3. Tennessee Code Annotated, Section 65-1-105(b), is amended by deleting the language “five (5)” and substituting instead the language “seven (7)”.

[Effective date 5/27/2021]

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it. Notwithstanding any provision of this act to the contrary, initial terms for the two (2) additional commissioner positions created pursuant to this act begin July 1, 2021.

PUBLIC CHAPTER NO. 584**SENATE BILL NO. 267****By Massey**

Substituted for: House Bill No. 544

By Powers

AN ACT to amend Tennessee Code Annotated, Title 54, relative to specific service signs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[54-5-1104]

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 11, is amended by adding the following as a new section:

(a) This section only applies to businesses that have participated in the specific service sign program for ten (10) years or more.

(b) Where more than six (6) businesses of a specific service type are eligible for sign panels at the same interchange or intersection approach, the department may display additional sign panels of that same specific service type in accordance with Section 2J.04 and other applicable guidelines in the Manual on Uniform Traffic Control Devices. The additional sign panels may be displayed by placing more than one (1) specific service type on the same sign.

(c) If the department places more than one (1) specific service type on the same sign pursuant to subsection (b), then the department shall not display more than three (3) types of services on the sign. If three (3) types of services are displayed on a single sign, then the sign panels must be limited to two (2) for each service type. If the department displays two (2) types of services on a single sign, then the sign panels must be limited to either three (3) for each service type, or four (4) for one (1) service type and two (2) for the other service type.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 585

SENATE BILL NO. 279

By Rose

Substituted for: House Bill No. 353

By Hulsey, Gary Hicks

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 9; Title 12; Title 45; Title 47; Title 48; Title 56 and Title 67, relative to a gold depository.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Tennessee advisory commission on intergovernmental relations (TACIR) shall, within existing resources, study the feasibility of creating a state gold depository, including whether other states or jurisdictions have created a gold depository. TACIR shall report its findings and recommendations to the speaker of the senate, the speaker of the house of representatives, and the legislative librarian no later than January 1, 2022.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 586**SENATE BILL NO. 283****By Rose, Jackson**

Substituted for: House Bill No. 904

By Doggett, Hardaway, Moon, Moody, Todd, Hazlewood, Howell

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[40-17-104]

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new section:

40-17-102.

(a) If a district attorney general is required to disclose to the defendant information including the name, contact information, or statements of a victim of a sexual offense under title 39, chapter 13, part 5; law enforcement informant, or witness who is expected to testify against a defendant charged with a crime involving a weapon or the use of force, then the district attorney general may petition the court for a protective order prohibiting the defendant and the defendant's counsel from publishing the victim, informant, or witness's name, contact information, or statements at any time prior to or during the trial. The petition must:

(1) Be certified or supported by an affidavit of the victim, informant, or witness;

(2) Identify the specific information that should be subject to prohibition from publication; and

(3) Show good cause for issuing the protective order, which may include that allowing the defendant to publish the information is likely to result in coercion, intimidation, or harassment designed to discourage the victim, informant, or witness from testifying at trial or appearing as a witness.

(b) If, after reviewing the petition, the court finds there is good cause for prohibiting the publishing of the information, then the court shall issue the protective order expressly limiting the publication of the victim, informant, or witness's information at any time prior to or during the trial.

(c) This section does not restrict the right of a defendant or defendant's counsel to conduct an investigation or interviews to be used at trial.

(d) A person who knowingly violates a protective order issued pursuant to this section commits a Class E felony.

PUBLIC CHAPTER NO. 586 (cont'd)

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 587**SENATE BILL NO. 298**

**By Briggs, Stevens, Akbari, Bailey, Crowe, Hensley, Jackson, Kelsey,
Massey, Watson**

Substituted for: House Bill No. 443

By Vaughan, Gillespie, Williams, Hazlewood, Hardaway, Gary Hicks,
Ogles, Smith, Moody, Todd, Love, Helton, Thompson, Terry, Howell, Gant,
Alexander, Freeman, Hurt

AN ACT to amend Tennessee Code Annotated, Title 7; Title 33; Title 49; Title 63 and Title 68, relative to medical education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-9-703]

SECTION 1. Tennessee Code Annotated, Section 49-9-703, is amended by adding the following language as a new subsection:

(e)(1) In addition to the resident training opportunities created by subsection (c), and subject to specific appropriation of funds by the general assembly, the University of Tennessee College of Medicine and the East Tennessee State University Quillen College of Medicine, in cooperation with the department of health and the Tennessee higher education commission, shall administer additional resident training opportunities focusing on family medicine, general pediatrics, primary care medicine-pediatrics, and psychiatry to provide medical and behavioral health services in medically underserved areas and rural counties, distributed across all three (3) grand divisions of this state.

(2) The University of Tennessee and East Tennessee State University may contract with other accredited medical schools and sponsoring institutions of residency programs approved by the Accreditation Council of Graduate Medical Education (ACGME) to provide doctor of medicine resident training opportunities consistent with this subsection (e).

(3) The resident training opportunities created under this subsection (e):

(A) Must be open to all qualified candidates and filled through the existing matching process used for graduate medical education;

(B) Must make maximum feasible use of non-state funds from the federal government, private sources, and fees for services in a manner that is consistent with accreditation standards when developing and implementing the additional resident training opportunities; and

(C) Are not eligible for graduate medical education funds distributed by the bureau of TennCare pursuant to § 71-5-2005(d)(1) (C).

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[49-9-705]

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 9, Part 7, is amended by adding the following as a new section:

(a) In addition to the resident training programs provided in this part, and subject to specific appropriation of funds by the general assembly, there is created a resident training program to provide resident training opportunities for physicians focusing on family medicine and general internal medicine to provide medical and behavioral health services in medically underserved areas and rural counties, distributed across all three (3) grand divisions of this state.

(b) A private, nonprofit college or university having a college of osteopathic medicine located in Claiborne County, in cooperation with the department of health and the Tennessee higher education commission, shall administer the resident training program described in subsection (a).

(c) A private, nonprofit college or university having a college of osteopathic medicine located in Claiborne County may contract with other accredited medical schools and sponsoring institutions of residency programs approved by the Accreditation Council of Graduate Medical Education (ACGME) to provide physician resident training opportunities consistent with this section.

(d) The resident training opportunities created pursuant to subsection (a):

(1) Must use ACGME-accredited, family medicine or general internal medicine residency programs with institutional sponsors that are either local community hospitals or community health systems;

(2) Shall not use residency programs with institutional sponsors that are universities or medical schools;

(3) Must be open to all qualified candidates and filled using the matching process used for graduate medical education that exists on the effective date of this act;

(4) Must make maximum feasible use of non-state funds from the federal government, private sources, and fees for services in a manner that is consistent with accreditation standards when developing and implementing the additional resident training opportunities created by this section; and

(5) Are not eligible for graduate medical education funds distributed by the bureau of TennCare pursuant to § 71-5-2005(d)(1) (C).

[49-9-705]

SECTION 3. It is the intent of the general assembly that, of the state funds appropriated to implement this act during the 2021–2022 state fiscal year, four million dollars (\$4,000,000) be allocated for the implementation of the resident training opportunities described in SECTION 1, and that one million five

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hundred thousand dollars (\$1,500,000) be allocated for the implementation of the resident training opportunities described in SECTION 2.

[Effective date 7/1/2021]

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 588**SENATE BILL NO. 364****By Pody**

Substituted for: House Bill No. 432

By Lynn, Jernigan, Garrett, Mitchell, Love, Beck, Powell, Stewart, Boyd,
Ogles

AN ACT relative to the boundary line between the counties of Davidson and
Wilson.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. The boundary line between Davidson County and Wilson
County is revised so as to include within Wilson County all of the territory
described as follows:

Beginning at an iron pin found on the Wilson/Davidson county line
NAO 83 coordinates for said pin (N: 694,963.0618, E: 1,793,348.2673)
in the westerly right-of-way of General Kershaw Drive also being the
southeastern corner of this herein described parcel of land in Davidson
County, Tennessee; thence leaving said right-of-way N 72°24'33" W
340.16 feet to a concrete monument found NAO 83 coordinates for
said monument (N: 695,065.8644, E: 1,793,024.0112); thence with
the proposed county line for the next six calls: thence N 41°51'40" E
108.20 feet to an iron pipe found NAO 83 coordinates for said pipe
(N: 695,146.4450, E: 1,793,096.2130); thence N 18°44'19" E 44.00 feet
to an iron pin set NAO 83 coordinates for said pin (N: 695,188.1128,
E: 1,793,110.3480); thence N 18°44'19" E 98.27 feet to an iron pin set
NAO 83 coordinates for said pin (N: 695,281.1754, E: 1,793,141.9176);
thence S 47°29'40" E 277.01 feet to an iron pin set NAO 83 coordinates
for said pin (N: 695,094.0074, E: 1,793,346.1356) in the westerly
margin of General Kershaw Drive; thence with said right-of-way, S
00°51'08" E 30.00 feet to an iron pin found NAO 83 coordinates for
said pin (N: 695,064.0107, E: 1,793,346.5818); thence with said right-
of-way, S 00°57'24" E 100.96 feet to the point of beginning; containing
15,972.38 square feet or 0.37 acres more or less.

[Effective date 1/1/2022]

SECTION 2. This act takes effect January 1, 2022, the public welfare
requiring it.

PUBLIC CHAPTER NO. 589**SENATE BILL NO. 449****By Bell**

Substituted for: House Bill No. 713

By Hurt, Whitson, Smith, Helton, Williams

AN ACT to amend Tennessee Code Annotated, Title 49, relative to allocation of per pupil funding to residential mental health facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[49-3-370]

SECTION 1. Tennessee Code Annotated, Section 49-3-370, is amended by deleting the section and substituting instead the following:

(a) An LEA shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to a state-licensed residential mental health facility on a prorated daily basis for the student's length of stay if:

(1) The residential mental health facility operates as a Category I special purpose school pursuant to the state board of education's rules and provides a minimum of sixteen and one-half (16 1/2) hours per week of educational instructional services to the students, unless the student's IEP provides otherwise;

(2) The student admitted to the residential mental health facility was enrolled in and attended a public school in this state for the one (1) full school year immediately preceding the student's admission to the facility and is enrolled in a public school in this state at the time of admission to the facility; and

(3) The student is admitted to the residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine in this state, the order being based upon medical necessity. An LEA may require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility.

(b) An LEA shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to an out-of-state residential mental health facility on a prorated daily basis for the student's length of stay if:

(1) There are no facilities in this state with the capacity to deliver the appropriate mental health treatment to the student at the time the student is admitted to the out-of-state residential mental health facility;

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(2) The residential mental health facility operates in a state that borders this state;

(3) The residential mental health facility serves at least fifteen (15) Tennessee students per school year;

(4) The department of education determines, prior to the medical placement decision, that the residential mental health facility's educational programs or instructional services meet the same requirements as a Category I special purpose school, as applicable, pursuant to the state board of education's rules;

(5) The residential mental health facility provides a minimum of sixteen and one-half (16 1/2) hours per week of educational instructional services to admitted students, unless the student's IEP provides otherwise;

(6) The residential mental health facility complies with all applicable health and safety laws, regulations, and codes of the state and locality in which it is located;

(7) All teachers at the residential mental health facility are licensed by the educator licensing authority of the state in which the facility is located;

(8) The residential mental health facility has at least one (1) teacher with an endorsement in special education or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to provide special education and related services to admitted students;

(9) The residential mental health facility has a sufficient number of teachers with an endorsement in special education or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to comply with each student's IEP;

(10) The residential mental health facility reports the attendance of each admitted student to the public school in which the student is enrolled;

(11) The residential mental health facility follows the admitted student's IEP as written at the time of the medical placement decision, and as subsequently amended by the student's IEP team during the student's stay at the facility;

(12) The student admitted to the residential mental health facility was enrolled in and attended a public school in this state for the one (1) full school year immediately preceding the student's admission to the facility, is enrolled in a public school in this state at the time of admission to the facility, and has an active IEP from an LEA in this state at the time of the medical placement decision; and

(13) The student is admitted to the residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine, the order being based upon both medical necessity and the most appropriate medical services for the child. An LEA may

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require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility.

(c) If an LEA allocates funds to an out-of-state residential mental health facility pursuant to this section, then the LEA and the department of education are authorized to monitor the out-of-state residential mental health facility for compliance with this section, an individual student's IEP, and all other applicable state and federal laws.

(d) If the out-of-state residential mental health facility fails to comply with the requirements of subsection (b), then the LEA shall cease the allocation of funding as provided in this section.

(e) The state board of education shall promulgate rules to establish procedures for approving educational programs or instructional services provided by out-of-state residential mental health facilities and for the allocation of funds to out-of-state residential mental health facilities for purposes of this section. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) The funding specified in subsections (a) and (b) is in addition to funds allocated pursuant to federal law and regulation, including, but not limited to, Title I and ESEA funds.

(g) This part must not be used or construed to circumvent the requirements of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to students admitted to an out-of-state mental health facility for the 2021-2022 school year and each school year thereafter.

PUBLIC CHAPTER NO. 590

SENATE BILL NO. 476

By Bell, Jackson

Substituted for: House Bill No. 1121

By Farmer, Hardaway, Ogles, Carr, Whitson, Howell, Moody, Littleton,
Crawford, Alexander

AN ACT to amend Tennessee Code Annotated, Title 37, relative to records involving abuse of children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[37-5-107]

SECTION 1. Tennessee Code Annotated, Section 37-5-107, is amended by adding the following as a new subsection:

(1) It is an offense for any person to attempt to access or obtain confidential information from the department regarding alleged child abuse or neglect that the person knows is in violation of state or federal laws and regulations regarding confidentiality.

(2) A violation of this subsection () is a Class A misdemeanor.

[Effective date 7/1/2021]

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

PUBLIC CHAPTER NO. 591**SENATE BILL NO. 481****By Haile, Gilmore**

Substituted for: House Bill No. 157

By Beck, Freeman, Crawford

AN ACT to amend Tennessee Code Annotated, Title 67, relative to taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-103]

SECTION 1. Tennessee Code Annotated, Section 67-6-103(d)(1)(B), is amended by adding the following language at the end of the subdivision:

Notwithstanding this section or any other law to the contrary, the apportionment and distribution of state tax revenue provided in subdivision (d)(1)(A)(i) as it pertains to National Hockey League franchises and the apportionment and distribution of state tax revenue provided in subdivision (d)(1)(A)(ii) shall continue until June 30, 2049.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 592**SENATE BILL NO. 551**

By Kyle, Roberts, Gilmore, Akbari, Briggs, Pody, Rose, White, Yarbro

Substituted for: House Bill No. 761

By Sparks, Windle, Gloria Johnson, Griffey, Jerry Sexton, Lafferty, Eldridge, Moon, Ragan, Curtis Johnson, Doggett, Littleton, Leatherwood, Powell, Smith, Lamar, Clemmons, Warner, Helton, Jernigan, Chism, Grills, Parkinson, Faison, Weaver, Bricken, Gillespie, Hardaway, Powers, Vaughan, Russell, Cochran, Darby, Freeman, Harris, Garrett, Mitchell, Farmer, Sherrell, Hakeem, Mannis, Beck, Thompson, Haston, Hulse, Rudd, Moody, Zachary, Ramsey, Baum, Hawk, Curcio, Miller, Whitson, Lynn, Carr, Boyd, Casada, Lamberth, Williams, Crawford, Terry, Ogles, White, Calfee, Hall, Hazlewood, Gary Hicks, Reedy, Todd, Cepicky, Gant, Howell, Hurt, Keisling, Rudder

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 6, relative to taxation of gun safes and gun safety devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[67-6-393]

SECTION 1. Tennessee Code Annotated, Section 67-6-393, is amended by adding the following as a new subsection:

(1) There is exempt from the tax imposed by this chapter the retail sale of gun safes and gun safety devices, if sold between 12:01 a.m. on July 1, 2021, and 11:59 p.m. on June 30, 2022.

(2) For purposes of this subsection ():

(A) "Gun safe" means a locking container or other enclosure equipped with a padlock, key lock, combination lock, or other locking device that is designed and intended for the secure storage of one (1) or more firearms; and

(B) "Gun safety device" means any integral device to be equipped or installed on a firearm that permits a user to program the firearm to operate only for specified persons designated by the user through computerized locking devices or other means integral to and permanently part of the firearm.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 593**SENATE BILL NO. 588****By Jackson**

Substituted for: House Bill No. 1267

By Gillespie; Mr. Speaker Cameron Sexton; Jernigan, Powell

AN ACT to amend Tennessee Code Annotated, Title 4; Title 14; Title 38; Title 39; Title 47; Title 49 and Title 67, relative to the duties of the sports wagering advisory council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[4-51-302]

SECTION 1. Tennessee Code Annotated, Section 4-51-302, is amended by deleting subdivisions (7), (27), and (28) and substituting instead the following:

(7) "Council" means the sports wagering advisory council;

(27) "Vendor" means a contractor, subcontractor, or independent contractor hired, or contracted with, by the council or a licensee for the purpose of facilitating the business of the council or licensee under this part; and

(28) "Wager" or "bet" means a sum of money that is risked by a bettor on the unknown outcome of one (1) or more sporting events, including, but not limited to, the form of fixed-odds betting, a future bet, live betting, a money line bet, pari-mutuel betting, parlay bet, pools, proposition bet, spread bet, or in any other form or manner as authorized by rule promulgated by the council.

[4-51-304]

SECTION 2. Tennessee Code Annotated, Section 4-51-304, is amended by deleting the language "corporation" wherever it appears and substituting instead "council", and by deleting subsection (e) and substituting instead:

(e)

(1) Eighty percent (80%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

(2) Fifteen percent (15%) of the privilege tax collected under this section must be distributed by the council quarterly to the state treasurer for deposit into the general fund, to be remitted quarterly to each local government in this state on a per capita basis, as determined by population based on the last federal census. For purposes of calculating the allocation, the population of counties excludes the population of each municipality within the boundaries of the county. Funds remitted to a local government under this subdivision (e)(2) must be allocated to the county or city general fund, as applicable, to

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be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings.

(3) Five percent (5%) of the privilege tax collected under this section must be distributed by the council to the state treasurer and allocated to the department of mental health and substance abuse services to use in the manner prescribed by § 4-51-319.

[4-51-305]

SECTION 3. Tennessee Code Annotated, Section 4-51-305(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) There is created the sports wagering advisory council to enforce this part and supervise compliance with laws relating to the regulation and control of wagering on sporting events in this state.

(2) The council shall hire an executive director to direct and oversee the day-to-day operations and management of sports gaming under this part and other employees as deemed necessary by the council to assist the executive director and carry out the duties of the council. The executive director will be vested with such powers and duties as specified by the council by rule.

(3) The council shall establish the salaries of the executive director and employees hired under this subsection (a) and such executive director and employees serve at the pleasure of the council.

[4-51-305]

SECTION 4. Tennessee Code Annotated, Section 4-51-305(l), is amended by deleting the language “at the call of the board” and substituting instead “at the call of the chair”.

[4-51-305]

SECTION 5. Tennessee Code Annotated, Section 4-51-305(n), is amended by deleting the subsection and substituting instead the following:

(n)

(1) Meetings of the council are subject to the public meeting requirements prescribed in title 8, chapter 44, part 1; provided, that the council may meet virtually using an internet platform in emergency circumstances in a manner prescribed by rule of the council and in accordance with subdivision (n)(2).

(2) Virtual emergency meetings may only be conducted if the council:

(A) Not less than twenty-four (24) hours prior to the meeting, provides on its website public notice of the meeting;

(B) Provides adequate electronic or other notice to each licensee or permittee with an interest in the meeting, if applicable;

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(C) Provides an audio or video feed of the meeting on its website which is accessible to the general public; and

(D) Provides a mechanism by which any licensee or permittee subject to disciplinary action at the meeting, if applicable, has the opportunity to provide testimony and submit evidence to the council members electronically.

(3) Disciplinary action taken against a licensee or permittee at a virtual emergency meeting under this subsection (n) is temporary until the council conducts a full investigative hearing on the matter in accordance with § 4-51-326 not later than five (5) business days after the conclusion of the virtual emergency meeting. If the council does not comply with this subdivision (n)(3), the disciplinary action of the council taken at the virtual emergency meeting is null and void.

(o) The council may from time to time convene an ad hoc advisory committee composed of nonmembers with particular expertise in an area or areas relative to sports gaming to:

(1) Advise the board of best practices with respect to sports wagering;

(2) Provide administrative and technical advice to the board with respect to sports wagering;

(3) Conduct research or perform studies relative to sports wagering; and

(4) Perform any other activities to assist the council in carrying out its duties.

(p) The council may, in its discretion, reimburse members of an ad hoc advisory committee convened under subsection (o) for per diem and travel expenses in accordance with the comprehensive travel rules as promulgated by the department of finance and administration and approved by the attorney general and reporter.

[4-51-306]

SECTION 6. Tennessee Code Annotated, Section 4-51-306, is amended by deleting from subsection (a) the language “corporation and board” and substituting instead “council”; and is further amended by deleting subsection (b) and substituting instead the following:

(b) The council shall promulgate rules in accordance with this part and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

[4-51-308; 4-51-309]

SECTION 7. Tennessee Code Annotated, Sections 4-51-308 and 4-51-309, are amended by deleting the language “board” wherever it appears and substituting instead “council”.

[4-51-310]

SECTION 8. Tennessee Code Annotated, Section 4-51-310, is amended by deleting the language "board" wherever it appears and substituting instead "council".

[4-51-312]

SECTION 9. Tennessee Code Annotated, Section 4-51-312, is amended by deleting from subdivision (a)(1) the language ", board, or corporation"; by deleting from subdivision (a)(5) and subsection (b) the language "board" and substituting instead "council"; and by deleting from subsection (c) the language "corporation" wherever it appears and substituting instead "council".

[4-51-314]

SECTION 10. Tennessee Code Annotated, Section 4-51-314, is amended by deleting the language "board" wherever it appears and substituting instead "council".

[4-51-315]

SECTION 11. Tennessee Code Annotated, Section 4-51-315, is amended by deleting the language "board," from subsection (a); and by deleting from subsections (b), (d), (e), and (f) the language "board" wherever it appears and substituting instead "council".

[4-51-316]

SECTION 12. Tennessee Code Annotated, Section 4-51-316, is amended by deleting the language "board" wherever it appears and substituting instead the language "council".

[4-51-317]

SECTION 13. Tennessee Code Annotated, Section 4-51-317, is amended by deleting the language "board" wherever it appears and substituting instead "council", except in subdivision (b)(1).

[4-51-317]

SECTION 14. Tennessee Code Annotated, Section 4-51-317(f), is amended by deleting the language "corporation" wherever it appears and substituting instead the language "council".

[4-51-318]

SECTION 15. Tennessee Code Annotated, Section 4-51-318, is amended by deleting the language "corporation" and "board" wherever the terms appear and substituting instead "council".

PUBLIC CHAPTER NO. 593 (cont'd)**[4-51-319]**

SECTION 16. Tennessee Code Annotated, Section 4-51-319, is amended by deleting the language “board” wherever it appears and substituting instead “council”.

[4-51-320]

SECTION 17. Tennessee Code Annotated, Section 4-51-320, is amended by deleting from subdivision (1) the language “, board, or corporation”; and by deleting from subdivisions (5) and (7) the language “board” and substituting instead “council”.

[4-51-321]

SECTION 18. Tennessee Code Annotated, Section 4-51-321, is amended by deleting the language “board” and substituting instead “council”.

[4-51-322]

SECTION 19. Tennessee Code Annotated, Section 4-51-322, is amended by deleting the language “board” wherever it appears and substituting instead “council”.

[4-51-323]

SECTION 20. Tennessee Code Annotated, Section 4-51-323, is amended by deleting the language “Members of the board or designated employees or agents of the corporation may” and substituting instead the language “Members of the council or designated employees or agents of the council may”.

[4-51-324]

SECTION 21. Tennessee Code Annotated, Section 4-51-324, is amended by deleting the language “board” wherever it appears and substituting instead “council”, except in subdivision (b)(1).

[4-51-325]

SECTION 22. Tennessee Code Annotated, Section 4-51-325, is amended by deleting the language “board” wherever it appears and substituting instead “council”.

[4-51-326]

SECTION 23. Tennessee Code Annotated, Section 4-51-326, is amended by deleting the language “board” wherever it appears and substituting instead “council”.

[4-51-327]

SECTION 24. Tennessee Code Annotated, Section 4-51-327, is amended by deleting the language “board” wherever it appears and substituting instead

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“council”; and by deleting the language “security personnel of the corporation” and substituting instead “employees of the council”.

[4-51-328]

SECTION 25. Tennessee Code Annotated, Section 4-51-328, is amended by deleting the language “board” wherever it appears and substituting instead the language “council”.

[4-51-329]

SECTION 26. Tennessee Code Annotated, Section 4-51-329, is amended by deleting the language “corporation” wherever it appears and substituting instead the language “council”.

[4-51-301; 4-51-302; 4-51-303; 4-51-304; 4-51-305; 4-51-306; 4-51-310; 4-51-311; 4-51-313; 4-51-314; 4-51-315; 4-51-316; 4-51-317; 4-51-318; 4-51-319; 4-51-323; 4-51-324; 4-51-326; 4-51-327; 4-51-328; 4-51-329]

SECTION 27. Tennessee Code Annotated, Sections 4-51-301--4-51-306, 4-51-310, 4-51-311, 3-51-313--3-51-319, 3-51-323, 3-51-324, and 3-51-326--3-51-329, are amended by deleting the word “part” wherever it appears and substituting “chapter”.

[4-51-325]

SECTION 28. Tennessee Code Annotated, Section 4-51-325(c), is amended by deleting the language “this part as part” and substituting “this chapter as part”.

[4-29-245; 4-49-105]

SECTION 29. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as a new subdivision:

() The sports wagering advisory council, created by § 4-51-305;

[T. 4. ch. 49; 4-49-101; 4-49-102; 4-49-103; 4-49-104; 4-49-105; 4-49-106; 4-49-107; 4-49-108; 4-49-109; 4-49-110; 4-49-111; 4-49-112; 4-49-113; 4-49-114; 4-49-115; 4-49-116; 4-49-117; 4-49-118; 4-49-119; 4-49-120; 4-49-121; 4-49-122; 4-49-123; 4-49-124; 4-49-125; 4-49-126; 4-49-127; 4-49-128; 4-49-129; 4-49-130]

SECTION 30. The Tennessee Code Commission shall transfer Tennessee Code Annotated, Title 4, Chapter 51, Part 3, to Tennessee Code Annotated, Title 4, Chapter 49, and shall further revise all internal cross-references and citations within the new chapter and throughout Tennessee Code Annotated, consistent with such transfer.

[4-49-101 to 4-49-130]

SECTION 31. The appointed members of the Tennessee education lottery corporation sports wagering advisory council, as it existed prior to the effective date of this act, are transferred to the sports wagering advisory council as

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created by this act, to serve as the initial appointed members of the sports wagering advisory council, and shall serve out their respective terms on such council until that time at which such terms would have expired while members of the Tennessee education lottery corporation sports wagering advisory council.

[4-49-101 to 4-49-130]

SECTION 32.

(a) The Tennessee education lottery corporation and its board of directors shall assist and facilitate the transfer of its duties and powers to the sports wagering advisory council beginning on the effective date of this act. Until emergency or permanent rules are adopted under Section 6, existing bylaws governing sports gaming adopted by the Tennessee education lottery corporation remain in full force and effect.

(b) A license or permit issued by the Tennessee education lottery corporation under Tennessee Code Annotated, Title 4, Chapter 51, Part 3, prior to the effective date of this act remains valid on and after the effective date of this act, and is deemed to be a license or permit issued by the sports wagering advisory council upon the promulgation of emergency or permanent rules by such council under Section 6.

(c) Upon the promulgation of emergency or permanent rules by the sports wagering advisory council under Section 6, the Tennessee education lottery corporation shall transfer all remaining funds collected for the administration of Tennessee Code Annotated, Title 4, Chapter 51, Part 3, to the sports wagering advisory council for the administration of the Tennessee Sports Gaming Act on and after January 1, 2022.

(d) Contracts executed by the Tennessee education lottery corporation under Tennessee Code Annotated, Title 4, Chapter 51, Part 3, prior to the effective date of this act, including, but not limited to, for purposes of regulating sports gaming and providing related services, remain valid on and after the effective date of this act, and are assigned to the sports wagering advisory council upon the promulgation of emergency or permanent rules by such council under Section 6. Such contracts remain in full force and effect until such time as the contracts expire by their original terms, at which time the contracts may be renewed with the sports wagering advisory council at the discretion of the parties.

[Effective date 1/1/2022]

SECTION 33. This act takes effect upon becoming a law for purposes of promulgating rules and carrying out any administrative duties necessary to effectuate the provisions and intent of this act, the public welfare requiring it. This act takes effect on January 1, 2022, for all other purposes, the public welfare requiring it.

PUBLIC CHAPTER NO. 594**SENATE BILL NO. 655****By Bowling, Yager**

Substituted for: House Bill No. 612

By Gant

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 25, Part 1, relative to length of service award programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[8-25-115]

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 25, Part 1, is amended by adding the following as a new section:

(a) The state treasurer may inquire with local governments and volunteer fire departments about establishing a length of service award program pursuant to § 457 of the Internal Revenue Code as amended, and all applicable rules, regulations, notices, and interpretations released by the United States treasury, including the internal revenue service, referred to in this section as the "code". Based on the results of this inquiry, the state treasurer may establish a length of service award program.

(b) The commissioner of finance and administration; the chair of the finance, ways and means committee of the senate; the chair of the finance, ways and means committee of the house of representatives; and the state treasurer shall serve as trustees for the length of service award program that may be established pursuant to this section.

(c) If the state treasurer establishes a length of service award program, then the state treasurer shall develop a plan that includes provisions for the implementation, administration, operation, marketing, investment options, customer service, and investment management services for the program, which must be approved by the remaining trustees. The state treasurer may modify the terms of the plan with the concurrence of the commissioner of finance and administration.

(d) The state treasurer is authorized to carry out the purposes of this section, the purposes and objectives of the program and the trustees' plan, and the powers delegated by any other state law or rule, or the code, including, but not limited to, the following power to:

(1) Select and provide for investment options or investment products;

(2) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the program's property, assets, or activities;

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(3) Make, execute, and deliver contracts, conveyances, and other instruments necessary and proper for the implementation of the program;

(4) Contract for the provision of services necessary or convenient for the administration, implementation, operation, or management of the length of service award program;

(5) Contract with recordkeepers, financial consultants, actuaries, auditors, investment managers, and other consultants and professionals, as necessary, to carry out the duties under this section and the plan established by the trustees. These services may be procured in a manner prescribed by the trustees, if the trustees determine that the services are necessary or desirable for the efficient administration of this section. All expenses and fees incidental to the procurement of services must be charged to and paid by the participating party;

(6) Administer and operate the program at the direction of the trustees' plan;

(7) Promote, advertise, market, and publicize the program;

(8) Impose and collect application fees and other administrative fees and charges in connection with any transaction under this section;

(9) Promulgate reasonable rules that are necessary to carry out the purpose of this section, and to ensure that the program is in compliance with the code and other applicable provisions of federal and state laws and rules. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(10) Enter into participation agreements with any entity permitted by the code for participation in the length of service award program;

(11) Operate and provide for the operation of the program in a manner that qualifies the program under the code and take action necessary to maintain such qualification;

(12) Seek rulings from the secretary of the United States department of treasury and the internal revenue service relating to the program; and

(13) Make program changes to maintain compliance with applicable federal and state laws and rules.

(e) An entity constituting an eligible employer pursuant to the code may elect to participate in the length of service award program as prescribed by the trustees to provide benefits to bona fide volunteers who provide firefighting and prevention services, emergency medical services, or ambulance services. An eligible employer may withdraw from participation in the program pursuant to the program's plan document. As used in this section, "eligible employer" and "bona fide volunteer" have the same meanings as provided in § 457 of the Internal Revenue Code.

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(f) The state treasurer:

(1) Shall carry out the day-to-day administration, operations, and responsibilities of the length of service award program;

(2) Shall exercise the powers, duties, and responsibilities to implement this section;

(3) May assign duties and responsibilities to the state treasurer's staff or private vendors and contractors, as the state treasurer deems necessary and proper; and may consult with professionals as necessary about the administration of the program; and

(4) May establish policies, guidelines, and operating procedures in accordance with this section.

(g) If the trustees determine that the program is financially infeasible or is not beneficial to bona fide volunteers, eligible employers, citizens of the state, or the state itself, the trustees may suspend or terminate the program immediately.

(h) It is the legislative intent of this section that there be no increase in costs to the state as a result of an eligible employer's participation in the length of service award program. All costs associated with such participation, including administrative costs, are the responsibility of the participating eligible employers. Administrative costs may be imposed by the state even if a participating eligible employer is later found to not constitute an eligible employer under the code.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

PUBLIC CHAPTER NO. 595**SENATE BILL NO. 739****By Johnson, Haile, Gardenhire, Jackson, Stevens, Yager**

Substituted for: House Bill No. 73

By Lamberth, Gant, Hurt, Haston, Parkinson, Hardaway, Ogles, Beck,
Stewart, Whitson, Smith, Littleton, Mannis, Love, Terry, Tim Hicks, Miller,
Dixie

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:**[T. 49, ch. 3, part 5; 49-3-501; 49-3-502]**

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, is amended
by adding the following as a new part:

49-3-501.

This part is known and may be cited as the “K-12 Mental Health
Trust Fund Act.”

49-3-502.

The K-12 mental health endowment fund is established to provide
mental health supports to students in primary and secondary schools
in this state. The fund must be administered and funded in accordance
with the following terms and conditions:

(1) The fund is an irrevocable trust that the state treasurer shall
administer. The trust consists of the K-12 mental health endowment
account and the K-12 mental health special reserve account;

(2) The trustees of the trust are as follows:

(A) The state treasurer, or the treasurer’s designee;

(B) The comptroller of the treasury, or the comptroller’s
designee;

(C) The secretary of state, or the secretary’s designee; and

(D) The commissioner of finance and administration, or the
commissioner’s designee;

(3) The state treasurer, or the treasurer’s designee, serves as
chair of the trustees and shall preside over all meetings and proceedings
of the trustees;

(4) If necessary or convenient to carry out the purposes and
provisions of this part, the trustees are authorized to create a nonprofit
corporation or incorporate the fund as a nonprofit corporation under
the Tennessee Nonprofit Corporation Act, compiled in title 48,
chapters 51-68, and after incorporation, to apply for tax exempt status
under § 501 (a) of the Internal Revenue Code (26 U.S.C. § 501 (a)), by
virtue of being an organization described in § 501(c)(3) of the Internal

PUBLIC CHAPTER NO. 595 (cont'd)

Revenue Code (26 U.S.C. § 501(c)(3)). The corporation, if created, has all rights and powers of a nonprofit corporation under the Tennessee Nonprofit Corporation Act, and the powers necessary to carry out the intent of this section, including, but not limited to, the solicitation of contributions and disbursement of funds;

(5) The trust may invest funds in any security or investment permitted by applicable laws, rules, and regulations, and that is not otherwise prohibited by the Constitution of Tennessee, Article II, § 31; provided, that investments made by the trust must be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this section. The state treasurer is responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees;

(6) Subject to appropriation, the trust must be funded in fiscal year 2021-2022 by an initial deposit. Ninety percent (90%) of the initial deposit constitutes the principal of the trust, which must be placed in the K-12 mental health endowment account. Ten percent (10%) of the initial deposit must be placed in the K-12 mental health special reserve account;

(7) Trust income does not increase, or constitute an addition to, the principal of the trust, but must be placed in the K-12 mental health special reserve account; provided, that trust income may be used to pay expenses incurred in administering and investing the trust assets. As used in this subdivision (7), "trust income" means the income from the trust's investment of the funds in the K-12 mental health endowment account or K-12 mental health special reserve account from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses;

(8) Subsequent transfers of funds to the trust after the initial deposit in subdivision (6) shall not increase, or constitute an addition to, the principal of the trust, and must be placed in the K-12 mental health special reserve account of the trust. Such funds may include moneys appropriated by the general assembly, received from the United States or any agencies of the United States, or received from any other source, including contributions from public or private sources. The fund may request and receive gifts, contributions, bequests, donations, and grants from any legal and appropriate source, and any such funds received must be deposited into the K-12 mental health special reserve account; provided, that if any such items are not in the form of funds, then any income, rents, or proceeds generated from the items must be deposited into the K-12 mental health special reserve account;

(9) The principal of the trust in the K-12 mental health endowment account, as described in subdivision (6), shall not be expended for any purpose;

(10) The trustees shall annually determine the amount of funds in the K-12 mental health special reserve account that are available for appropriation and expenditure in accordance with this section, but

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shall not determine how the funds in the K-12 mental health special reserve account are expended;

(11) The funds in the K-12 mental health special reserve account, as determined by the trustees in accordance with subdivision (10), are available to the department of mental health and substance abuse services for allocation and distribution, in consultation with the department of education, but such funds must be expended only for mental or behavioral health services or treatment for kindergarten through grade twelve (K-12) students or for an assessment to review current mental and behavioral health resources for K-12 students that are available in each county;

(12) Unexpended funds remaining in the trust in any fiscal year, including, but not limited to, the principal, initial deposits, transfers, and interest in the K-12 mental health endowment account and the K-12 mental health special reserve account, do not revert to the general fund, but must remain available for expenditure in accordance with this section;

(13) Subject to applicable laws and rules, the funds transferred to the trust, including funds in the K-12 mental health endowment account and the K-12 mental health special reserve account, may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust and other funds that are not part of the trust, including, but not limited to the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this section and other applicable law; and

(14) All funds placed in the K-12 mental health special reserve account are available for allocation and distribution as authorized in this section only to the extent that funds are available in the K-12 mental health special reserve account. The state is not liable for any amount in excess of such sum. All requests for withdrawals for payment that are presented to the state treasurer must be used only to fund mental or behavioral health services or treatment for K-12 students, or an assessment to review current mental and behavioral health resources for K-12 students that are available in each county. Requests for withdrawals must not be commingled with requests for withdrawals presented to the state treasurer for any other purpose, and the individual or entity requesting the withdrawal of funds must attest to same upon presentation of the request for withdrawal to the state treasurer.

[Effective date 5/27/2021]

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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Compensation for use, ch 400 (no 2).

SPORTS GAMING.

Advisory council, sports wagering, ch 593 (no 2).

Rulemaking to implement provisions, ch 593 (no 2).

Taxes.

Collection and disposition, ch 593 (no 2).

STALKING.**Landlord and tenant.**

Leases.

Termination of tenancy.

Victims of domestic abuse, sexual assault or stalking.

Voluntary termination of tenancy, ch 293 (no 2).

STAR-SPANGLED BANNER DAY.

Observance, ch 167 (no 1).

STATE DEPARTMENTS AND AGENCIES.**Collection of state funds.**

Third party collections on behalf of state departments, agencies, etc.

Agreements between state and third party, ch 172 (no 1).

Employees.

Child care services for state employees, ch 238 (no 2).

Entity review, agencies subject to.

Rulemaking to exempt members of entity from rules, policies, guidelines, etc.

Restrictions, ch 37 (no 1).

Paperwork reduction and simplification act.

Repealed, ch 279 (no 2).

STATE FAIR AND EXPOSITION.**Commission.**

Coordination with entities operating, managing and conducting fair or fairs, ch 543 (no 2).

County appropriations to support, ch 543 (no 2).

STATE FINANCE.**Security for deposits.**

Collateral pool for public deposits.

Additional collateral for larger deposits, ch 393 (no 2).

STATE OF TENNESSEE.**Songs of state.**

Amazing Grace designated as state song, ch 296 (no 2).

STATE PARKS.**Cumberland Trail state park.**

Designation as Justin P. Wilson Cumberland Trail State Park, ch 38 (no 1).

STATE POEM OF TENNESSEE, ch 118 (no 1).**STATUTE OF LIMITATIONS.****Criminal injuries compensation.****Claims.**

Time for filing, ch 413 (no 2).

Human trafficking.

Commercial sex acts, trafficking minors for.

Removal of statute of limitations, ch 363 (no 2).

Taxation.

Limitation of actions on collections.

Bankruptcy stay, effect, ch 217 (no 2).

TennCare (medical assistance).

Bureau of TennCare.

Claims against decedents' estates, ch 102 (no 1).

Trolley or light rail system, design, planning, supervision, etc, deficiencies.

Governmental tort liability, ch 506 (no 2).

STOPPING ADDICTION AND FOSTERING

EXCELLENCE (SAFE) ACT, ch 309 (no 2).

STORED WIRE OR ELECTRONIC COMMUNICATIONS.

Criminal process for stored wire or electronic communications and pertinent transactional records, ch 421 (no 2).

STREAMLINED SALES TAX.

Repealed, ch 285 (no 2).

STUDENT'S RIGHT TO KNOW ACT, ch 507 (no 2).**STUDIES.****Childhood obesity.**

Socioeconomic impact, short- and long-term, ch 503 (no 2).

Gold depository.

Feasibility of establishing state gold depository, ch 585 (no 2).

Recreational activities.

Non-fish and game recreational activities.

Department requirements to manage, ch 497 (no 2).

SUBDIVISIONS.**Maps and plats.**

Transactions prior to obtaining approval, ch 39 (no 1).

Unrecorded subdivisions, transferring lots in, ch 39 (no 1).**SUBPOENAS.****Comptroller.**

Service of subpoenas, ch 442 (no 2).

Disability fraud.

Cooperative disability investigation office (division), ch 546 (no 2).

SUBPOENAS DUCES TECUM.

Stored wire or electronic communications and pertinent transactional records, ch 421 (no 2).

SUBSTANCE USE DISORDER.**Driving while intoxicated or drugged.**

Liability of local governmental entity for person's participation in private program.

Immunity, ch 386 (no 2).

Health insurance.

Managed care practices, ch 244 (no 2).

Pregnant women and women with children.**Treatment.**

Funding for development of treatment, ch 197 (no 1).

Sexual battery.

Consent, victim incapable.

Treatment of victim by alcohol or drug abuse counselor, ch 509 (no 2).

Treatment facilities.

Licensing, ch 309 (no 2).

Prohibited acts, ch 309 (no 2).

Referrals, ch 309 (no 2).

Regulation generally, ch 309 (no 2).

Treatment programs, participation, ch 409 (no 2).

SUICIDE.

Communication of threat or attempt at suicide or infliction of bodily harm to healthcare provider.

Recordkeeping, ch 259 (no 2).

SUNSET LAW.**2020 terminations (4-29-241).**

Polysomnography professional standards committee.

Deleted, ch 325 (no 2).

Radiologic imaging and radiation therapy board of examiners.

Deleted, ch 209 (no 2).

2021 terminations (4-29-242).

Aeronautics commission.

Deleted, ch 31 (no 1).

Alcoholic beverage commission.

Deleted, ch 82 (no 1).

Alzheimer's disease and related dementia advisory council.

Deleted, ch 26 (no 1).

Athletic commission.

Deleted, ch 32 (no 1).

Attorney general.

Consumer advocate division of office of attorney general and reporter.

Deleted, ch 349 (no 2).

Austin Peay State University.

Board of trustees.

Deleted, ch 312 (no 2).

Autism spectrum disorder, council.

Deleted, ch 46 (no 1).

Beef promotion board.

Deleted, ch 2 (no 1).

Career and technical education, Tennessee council.

Deleted, ch 45 (no 1).

SUNSET LAW —Cont'd**2021 terminations (4-29-242) —Cont'd**

- Children's services department.
 - Deleted, ch 318 (no 2).
- Chiropractic examiners board.
 - Deleted, ch 3 (no 1).
- Communication disorders and science board.
 - Deleted, ch 4 (no 1).
- Community services agency, statewide.
 - Deleted, ch 224 (no 2).
- Competitive integrated employment for individuals with severe disabilities, committee for providing.
 - Deleted, ch 72 (no 1).
- Dairy promotion committee.
 - Deleted, ch 47 (no 1).
- Delta human resource agency.
 - Deleted, ch 11 (no 1).
- Dentistry board.
 - Deleted, ch 5 (no 1).
- Dispensing opticians board.
 - Deleted, ch 6 (no 1).
- East Tennessee human resources agency.
 - Deleted, ch 13 (no 1).
- East Tennessee State University.
 - Board of trustees.
 - Deleted, ch 313 (no 2).
- Economic and community development department.
 - Deleted, ch 42 (no 1).
- Egg promotion board.
 - Termination of board, ch 14 (no 1).
- Emergency communications board.
 - Deleted, ch 73 (no 1).
- Equalization, state board.
 - Deleted, ch 315 (no 2).
- Ethics and campaign finance bureau.
 - Deleted, ch 239 (no 2).
- Financial institutions department.
 - Deleted, ch 43 (no 1).
- Financial literacy commission.
 - Deleted, ch 48 (no 1).
- First Tennessee human resources agency.
 - Deleted, ch 15 (no 1).
- Forestry commission.
 - Deleted, ch 28 (no 1).
- Health services and development agency.
 - Deleted, ch 557 (no 2).
- Intergovernment relations, Tennessee advisory commission.
 - Deleted, ch 30 (no 1).
- James K. Polk memorial association.
 - Deleted, ch 16 (no 1).
- Judicial conduct board.
 - Deleted, ch 111 (no 1).
- Land surveyors, state board of examiners.
 - Deleted, ch 27 (no 1).
- Medical examiners board.
 - Physician assistants committee.
 - Deleted, ch 7 (no 1).
- Mental health and substance abuse services department.
 - Deleted, ch 12 (no 1).

SUNSET LAW —Cont'd**2021 terminations (4-29-242) —Cont'd**

- Mental health and substance abuse services department —Cont'd
 - Statewide planning and policy council for department.
 - Deleted, ch 29 (no 1).
- Mid-Cumberland human resource agency.
 - Deleted, ch 17 (no 1).
- Middle Tennessee State University.
 - Board of trustees.
 - Deleted, ch 314 (no 2).
- Northwest Tennessee human resource agency.
 - Deleted, ch 18 (no 1).
- Nursing board.
 - Deleted, ch 288 (no 2).
- Occupational safety and health review commission.
 - Deleted, ch 74 (no 1).
- Ocoee river recreation and economic development fund board.
 - Deleted, ch 19 (no 1).
- Optometry board.
 - Deleted, ch 8 (no 1).
- Physician assistants board.
 - Deleted, ch 565 (no 2).
- Podiatric medical examiners board.
 - Deleted, ch 9 (no 1).
- Pork promotion board.
 - Deleted, ch 20 (no 1).
- Private probation services council.
 - Deleted, ch 21 (no 1).
- Psychology, board of examiners.
 - Deleted, ch 71 (no 1).
- Public charter school commission.
 - Deleted, ch 49 (no 1).
- Public utility commission.
 - Deleted, ch 50 (no 1).
- Regional transportation authority of middle Tennessee.
 - Deleted, ch 81 (no 1).
- Second look commission.
 - Deleted, ch 109 (no 1).
- South Central Tennessee human resource agency.
 - Deleted, ch 22 (no 1).
- Southeastern interstate forest fire protection compact.
 - Deleted, ch 24 (no 1).
- Southeast Tennessee human resource agency.
 - Deleted, ch 23 (no 1).
- Southwest Tennessee human resource agency.
 - Deleted, ch 25 (no 1).
- Soybean promotion board.
 - Deleted, ch 51 (no 1).
- Technology development corporation.
 - Deleted, ch 52 (no 1).
- TennCare pharmacy advisory committee.
 - Deleted, ch 110 (no 1).
- Tennessee bureau of investigation (TBI).
 - Deleted, ch 44 (no 1).
- Tennessee State University.
 - Board of trustees.
 - Deleted, ch 75 (no 1).

SUNSET LAW —Cont'd

2021 terminations (4-29-242) —Cont'd

- Tennessee Technological University.
 - Board of trustees.
 - Deleted, ch 316 (no 2).
- Textbook and instructional materials quality commission.
 - Deleted, ch 159 (no 1).
- University of Memphis.
 - Board of trustees.
 - Deleted, ch 317 (no 2).
- Upper Cumberland human resource agency.
 - Deleted, ch 54 (no 1).
- Veterinary medical examiners board.
 - Deleted, ch 10 (no 1).
- Wine and grape board.
 - Deleted, ch 53 (no 1).
- Workers' compensation, advisory council.
 - Deleted, ch 41 (no 1).

2022 terminations (4-29-243).

- Attorney general.
 - Consumer advocate division of office of attorney general and reporter, ch 349 (no 2).
- Polysomnography professional standards committee, ch 325 (no 2).
- Soil and water conservation commission, ch 203 (no 2).

2023 terminations (4-29-244).

- Children's services department, ch 318 (no 2).
- Community services agency, statewide, ch 224 (no 2).
- Corn promotion board, ch 145 (no 1).
- Healthcare facilities licensing board.
 - Deleted, ch 557 (no 2).
- Medical cannabis commission, ch 577 (no 2).
- Nursing board, ch 288 (no 2).
- Psychology, board of examiners.
 - Professional art therapist advisory committee of board, ch 160 (no 1).
- Public charter school commission, ch 49 (no 1).
- Tennessee State University.
 - Board of trustees, ch 75 (no 1).
- Textbook and instructional materials quality commission, ch 159 (no 1).

2024 terminations (4-29-245).

- Healthcare facilities licensing board, ch 557 (no 2).
- Health services and development agency, ch 557 (no 2).
- Physician assistants board, ch 565 (no 2).
- Regional transportation authority of middle Tennessee, ch 81 (no 1).

2025 terminations (4-29-246).

- Athletic commission, ch 32 (no 1).
- Economic and community development department, ch 42 (no 1).
- Emergency communications board, ch 73 (no 1).
- Financial institutions department, ch 43 (no 1).
- Judicial conduct board, ch 111 (no 1).
- Mental health and substance abuse services department, ch 12 (no 1).
- Statewide planning and policy council for department, ch 29 (no 1).

SUNSET LAW —Cont'd

2025 terminations (4-29-246) —Cont'd

- Private probation services council, ch 21 (no 1).
- Radiologic imaging and radiation therapy board of examiners, ch 209 (no 2).
- Second look commission, ch 109 (no 1).
- Technology development corporation, ch 52 (no 1).
- Tennessee bureau of investigation (TBI), ch 44 (no 1).
- Tennessee Technological University.
 - Board of trustees, ch 316 (no 2).
- Wine and grape board, ch 53 (no 1).
- Workers' compensation, advisory council, ch 41 (no 1).

2026 terminations (4-29-247).

- Alzheimer's disease and related dementia advisory council, ch 26 (no 1).
- Autism spectrum disorder, council, ch 46 (no 1).
- Career and technical education, Tennessee council, ch 45 (no 1).
- Chiropractic examiners board, ch 3 (no 1).
- Communication disorders and science board, ch 4 (no 1).
- Competitive integrated employment for individuals with severe disabilities, committee for providing, ch 72 (no 1).
- Delta human resource agency, ch 11 (no 1).
- Dentistry board, ch 5 (no 1).
- Dispensing opticians board, ch 6 (no 1).
- East Tennessee human resources agency, ch 13 (no 1).
- First Tennessee human resources agency, ch 15 (no 1).
- Medical examiners board.
 - Physician assistants committee, ch 7 (no 1).
- Mid-Cumberland human resource agency, ch 17 (no 1).
- Northwest Tennessee human resource agency, ch 18 (no 1).
- Podiatric medical examiners board, ch 9 (no 1).
- Psychology, board of examiners, ch 71 (no 1).
- Southwest Tennessee human resource agency, ch 25 (no 1).
- Upper Cumberland human resource agency, ch 54 (no 1).
- Veterinary medical examiners board, ch 10 (no 1).

2027 terminations (4-29-248).

- Aeronautics commission, ch 31 (no 1).
- Alcoholic beverage commission, ch 82 (no 1).
- Austin Peay State University.
 - Board of trustees, ch 312 (no 2).
- East Tennessee State University.
 - Board of trustees, ch 313 (no 2).
- Equalization, state board, ch 315 (no 2).
- Ethics and campaign finance bureau, ch 239 (no 2).
- Financial literacy commission, ch 48 (no 1).
- Forestry commission, ch 28 (no 1).
- James K. Polk memorial association, ch 16 (no 1).
- Land surveyors, state board of examiners, ch 27 (no 1).

SUNSET LAW —Cont'd**2027 terminations (4-29-248) —Cont'd**

- Middle Tennessee State University.
- Board of trustees, ch 314 (no 2).
- Occupational safety and health review commission, ch 74 (no 1).
- Optometry board, ch 8 (no 1).
- Public utility commission, ch 50 (no 1).
- South Central Tennessee human resource agency, ch 22 (no 1).
- Southeastern interstate forest fire protection compact, ch 24 (no 1).
- Southeast Tennessee human resource agency, ch 23 (no 1).
- TennCare pharmacy advisory committee, ch 110 (no 1).
- University of Memphis.
- Board of trustees, ch 317 (no 2).

2028 terminations (4-29-249).

- Ocoee river recreation and economic development fund board, ch 19 (no 1).

2029 terminations (4-29-250).

- Beef promotion board, ch 2 (no 1).
- Dairy promotion committee, ch 47 (no 1).
- Intergovernment relations, Tennessee advisory commission, ch 30 (no 1).
- Pork promotion board, ch 20 (no 1).
- Soybean promotion board, ch 51 (no 1).

Entities subject to entity review.

- Rulemaking to exempt members of entity from rules, policies, guidelines, etc.
- Restrictions, ch 37 (no 1).

Hearings by joint evaluation committee.

- Notice of time and place of public hearing.
- General assembly website, posting of notice, ch 404 (no 2).

SURPLUS PROPERTY.**State surplus personal property.**

- First responder two-way radios.
- Transfer to distressed county, ch 527 (no 2).

T**TAXATION.****Alcoholic beverages.**

- Barrel tax.
- Extension of temporary tax, ch 158 (no 1).

Commissioner of revenue.

- Guidance to taxpayers, ch 214 (no 2).

Disclosure of tax returns, tax information and tax administration information.

- Business tax licensees.
- Authorized disclosures, ch 327 (no 2).

Limitation of actions on collections.

- Bankruptcy stay, effect, ch 217 (no 2).

Soft drinks.

- Taxation of bottled soft drinks.
- Extension of temporary tax, ch 158 (no 1).

TEACHERS AND OTHER SCHOOL PERSONNEL.**Accountability and evaluation, Ex Sess ch 2 (no 1).****TEACHERS AND OTHER SCHOOL PERSONNEL —Cont'd****Charter schools.**

- Insurance.
- Group insurance plans, participation, ch 250 (no 2).

Contractors or employees coming into direct contact with school children.

- Screening for conviction of certain offenses, ch 417 (no 2).

Contracts.

- Breach.
- Consequences, ch 493 (no 2).
- Termination of contract.
- Notice of dismissal or failure of reelection, ch 378 (no 2).

Discipline of students.

- Teacher's discipline act, ch 77 (no 1).

Educational assistants.

- Qualifications, ch 493 (no 2).

Evaluation criteria, ch 493 (no 2).**Injury caused by violent criminal act in course of employment.**

- Benefits, ch 377 (no 2).

In-service training.

- Human trafficking, child victims.
- Detection, intervention, prevention, etc, ch 287 (no 2).

Kindergarten programs.

- Accountability and evaluation, Ex Sess ch 2 (no 1).

Leaves of absence.

- School closed for unexpected events.
- Remote work and virtual instruction, viability means that schools not closed, ch 261 (no 2).

Licensing of teachers, principals and supervisors.

- Reciprocity, ch 125 (no 1).
- Temporary permits.
- Endorsement exemptions, ch 326 (no 2).
- Restrictions, ch 211 (no 2).

- Training program to recommend educators for endorsements, ch 571 (no 2).

Pre-kindergarten programs.

- Accountability and evaluation, Ex Sess ch 2 (no 1).

Salaries.

- Increase in state funding for instructional salaries and wages.
- Definition of teacher, ch 248 (no 2).
- Role of state board of education, ch 504 (no 2).

Teacher training, ch 493 (no 2).**Tenure.**

- Evaluations, Ex Sess ch 2 (no 1).

TELEHEALTH/TELEMEDICINE.**Behavioral health services.**

- HIPAA-compliant audio-only conversation to provide, ch 191 (no 1).

Healthcare providers.

- Graduates of or enrolled students in professional training programs.
- Eligibility to provide telehealth services, ch 179 (no 1).

TELEHEALTH/TELEMEDICINE —Cont'd

Store-and-forward telemedicine services, ch 153 (no 1).

Volunteer service.

Foreign state licensees providing healthcare services on volunteer basis, ch 357 (no 2).

TENNCARE (MEDICAL ASSISTANCE).**Bureau of TennCare.**

Claims against decedents' estates.
Limitation of actions, ch 102 (no 1).

Chiropractic services.

Included services, ch 524 (no 2).

Hospitals.

Annual coverage assessment act of 2021, ch 459 (no 2).

Sickle cell disease.

TennCare review of medications and treatments.
Terrence's law, ch 186 (no 1).

TENNESSEE BUREAU OF INVESTIGATION (TBI).**Handgun carry permits.**

Fees.
Audit of TBI.
Repeal, ch 195 (no 1).

Silver alert program.

Role of TBI, ch 350 (no 2).

TENNESSEE CHAMBER OF COMMERCE AND INDUSTRY.**License plates.**

Minimum issuance deadline, ch 579 (no 2).

TENNESSEE CODE ANNOTATED.

Reenacting general and permanent legislation (code bill), ch 33 (no 1).

TENNESSEE ELECTION INTEGRITY ACT, ch 374 (no 2).

TENNESSEE FIREARM PROTECTION ACT, ch 444 (no 2).

TENNESSEE MANUFACTURING DAY.

Observance, ch 132 (no 1).

TENNESSEE WORK READY OPPORTUNITY PROGRAM, ch 552 (no 2).

TENNESSEIA (TENNESSEE SOLAR ENERGY INDUSTRIES ASSOCIATION, INC).

License plates, ch 579 (no 2).

TERMINATION OF PARENTAL RIGHTS.**Disability of parent or guardian.**

Effect on termination determination, ch 235 (no 2).

Factors in determining whether termination is in best interest of child, ch 190 (no 1).

TERRENCE'S LAW, ch 186 (no 1).

TERRORISM.

Conduct constituting, ch 528 (no 2).

Death resulting from act of terrorism, ch 528 (no 2).

TEXTBOOK TRANSPARENCY ACT, ch 341 (no 2).

TEXTING.**Phishing.**

Wireless communication.
Defined, ch 370 (no 2).

THEFT.

Mail theft, ch 364 (no 2).

THREATS.**Schools and education.**

Mass violence.
Threats of mass violence on school property or at school-related activity.
Criminal offense, ch 395 (no 2).

TIGER HAVEN.

License plates, ch 579 (no 2).

TOBACCO.**Parks, playgrounds or greenways.**

Local government regulation of use of tobacco or vapor products, ch 574 (no 2).

TOBACCO TAX.

Smokeless nicotine products, ch 69 (no 1).

TORTS.**Governmental tort liability.**

Property owners association, nonprofit.
Inclusion in definition of governmental entity, ch 534 (no 2).
Trolley or light rail system, design, planning, supervision, etc, deficiencies.
Limitation of actions, ch 506 (no 2).

Wrongful birth or life.

No cause of action, ch 379 (no 2).

TRAFFIC LAWS.**Passing on right.**

Recovery vehicles responding to emergency call from law enforcement, ch 243 (no 2).

TRANSGENDER.**Buildings.**

Restrooms.
Public restrooms.
Use by either biological sex permitted.
Signage required, ch 453 (no 2).

Prescriptions.

Hormone treatments for gender dysphoric or gender incongruent prepubertal minors.
Restrictions on healthcare prescribers, ch 460 (no 2).

Schools and education.

Restrooms, changing rooms, locker rooms, etc.
Single-occupancy facilities or employee facilities, access to as reasonable accommodation.
Tennessee accommodations for all children act, ch 452 (no 2).

School sports.

Gender for purposes of participation.
Birth certificate gender determines, ch 40 (no 1).

TRANSPARENCY IN FOREIGN INVESTMENT ACT, ch 344 (no 2).

TRANSPORTATION DEPARTMENT.

Bond issues.

- General obligation bonds.
- Transportation department, allocation of proceeds, ch 455 (no 2).

TREASURER.

Captive insurance companies.

- State treasurer authority to establish and maintain captive insurance company, ch 366 (no 2).

TROLLEY SYSTEMS.

Statute of limitations.

- Trolley or light rail system, design, planning, supervision, etc, deficiencies.
- Governmental tort liability, ch 506 (no 2).

TRUANCY.

Progressive truancy plans, ch 223 (no 2).

TRUE ORIGIN OF GOODS ACT.

Actions for declaratory judgment and injunction against person violating act, ch 87 (no 1).

TRUSTS AND TRUSTEES.

- Administration of trust, ch 420 (no 2).
- Construction and validity of trust, ch 420 (no 2).
- Electronic records and signatures, ch 420 (no 2).
- Husband and wife.

- Trust property conveyed as tenants by the entirety, ch 420 (no 2).

Investment services trusts.

- Persons.
- Defined, ch 420 (no 2).
- Qualified disposition.
- Defined, ch 420 (no 2).
- Restrictions on actions, remedies and claims, ch 420 (no 2).

Noncharitable trust without ascertainable beneficiary.

- Duration, ch 420 (no 2).

Persons.

- Defined, uniform trust code, ch 420 (no 2).

Power of appointment, ch 420 (no 2).

Powers of trustee, ch 420 (no 2).

Real property.

- Acquisition of property in name of trust, ch 449 (no 2).

Registration of trust, ch 420 (no 2).

Settlements.

- Nonjudicial settlement agreements, ch 420 (no 2).

Spendthrift provisions, ch 420 (no 2).

Uniform principal and income act.

- Allocation of disbursements during administration of trust, ch 420 (no 2).
- Receipts from entities, ch 420 (no 2).

2020 DEFENSE DOCTRINE, ch 83 (no 1).

2021 PRECIOUS CARGO ACT, ch 55 (no 1).

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UNCLAIMED PROPERTY.

Presumption of abandonment.

- Holder's report.
- Contents, ch 258 (no 2).

UNCLAIMED PROPERTY —Cont'd

Presumption of abandonment —Cont'd

- Tax deferred retirement accounts, ch 258 (no 2).

Treasurer.

- Claims by putative owner.
- Waiver of requirement, ch 258 (no 2).

UNEMPLOYMENT COMPENSATION.

Benefits.

- Maximum benefits, ch 560 (no 2).
- Waiting period suspension in light of pandemic, ch 538 (no 2).
- Weekly benefit amount.
- Table of benefits, ch 560 (no 2).

Experience rating for employers.

- Non-charge in light of pandemic, ch 538 (no 2).

UNIVERSITY AND POSTSECONDARY EDUCATION.

College savings trust.

- Termination of plan and transitional provisions, ch 469 (no 2).

Data collection by Tennessee higher education commission (THEC).

- Student's right to know act, ch 507 (no 2).

Dual enrollment.

- Scholarships and grants.
- Maximum awards, ch 536 (no 2).

Foster care youth outreach liaison pilot program, ch 547 (no 2).

Higher education commission.

- Reports.
- Consolidation, streamlining, elimination, etc, of commission reports, ch 183 (no 1).

Immunization of pupils.

- Exemptions.
- Communications from schools on grounds for exemption, ch 369 (no 2).

Lease of public lands to fraternities or sororities, ch 493 (no 2).

Promise scholarships.

- Completion grants, ch 512 (no 2).
- Home school students.
- Eligibility, ch 467 (no 2).

Scholarships and grants.

- Dual enrollment grant for high school students.
- Eligible postsecondary institutions, ch 392 (no 2).
- Maximum awards, ch 536 (no 2).

Sports.

- Name, image or likeness of intercollegiate athletes.
- Compensation for use, ch 400 (no 2).

State university and community college system.

- Search committee process for hiring certain positions, ch 92 (no 1).

Student's right to know act, ch 507 (no 2).

Tennessee support, training, and renewing opportunity for national guardsmen (STRONG) act of 2017.

- Tuition reimbursement, ch 216 (no 2).

Transparency in foreign investment act, ch 344 (no 2).

UNIVERSITY AND POSTSECONDARY**EDUCATION —Cont'd****Tuition.**

Discount or waiver.

Failure of general assembly to fund discount or waiver.

Effect, ch 120 (no 1).

State-mandated discount or waiver program.

Defined, ch 120 (no 1).

Workforce development programs to reduce recidivism.

Contracting with local governments, ch 410 (no 2).

UNIVERSITY OF TENNESSEE.**Family practice residency program.**

Training opportunities, ch 587 (no 2).

Lease of public lands to fraternities or sororities,
ch 493 (no 2).**State university and community college system.**

Search committee process for hiring certain positions, ch 92 (no 1).

UTILITY DISTRICTS.**Board of directors.**

Compensation of certain board, ch 488 (no 2).

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Accounting standards, ch 256 (no 2).

Financially distressed utility districts, ch 226 (no 2).**Purchases.**

Competitive solicitations.

Sealed proposals instead of bids, ch 321 (no 2).

Travel and expenses of officers and employees.

Filing policies as to with comptroller, ch 127 (no 1).

V**VACATION LODGING PLACES.****Occupancy tax.**

Vacation lodging places distinguished from short-term rental unit marketplace for purposes of duty to collect occupancy tax, ch 264 (no 2).

VACCINATIONS.**COVID-19 vaccine.**

Businesses requiring vaccination.

State or local government not to require businesses to require vaccination, ch 550 (no 2).

Collaborative pharmacy practice agreement.

Pharmacists, dispensing and administering vaccine, ch 346 (no 2).

Dentists, authority to vaccinate, ch 465 (no 2).

Religious or conscientious objection, ch 513 (no 2).

State or local order requiring vaccination.

Prohibition, ch 513 (no 2).

VACCINATIONS —Cont'd**Schools and education.**

Immunization of pupils.

Exemptions.

Communications from schools on grounds for exemption, ch 369 (no 2).

Out-of-state records evidencing immunization, ch 169 (no 1).

University and postsecondary education.

Immunization of pupils.

Exemptions.

Communications from schools on grounds for exemption, ch 369 (no 2).

VANDALISM.**Agriculture.**

Critical infrastructure vandalism on farm, ch 418 (no 2).

VAPOR PRODUCTS.**Health department.**

Information from CDC as to health effects and dangers of vapor products.

Dissemination to middle and high school students, ch 157 (no 1).

Non-smoker protection, ch 551 (no 2).

Parks, playgrounds or greenways.

Local government regulation of use of tobacco or vapor products, ch 574 (no 2).

State regulation, ch 551 (no 2).

VENUE.**Constitutionality of state statute.**

Actions challenging heard by 3 judge panel, ch 566 (no 2).

VETERANS.**Cemeteries.**

Veterans memorial cemeteries.

Death in line of duty or while on active duty.

Department to provide burial services, ch 445 (no 2).

Department of veterans services.

Branch offices.

Service officers.

Qualifications, ch 63 (no 1).

License plates.

Honorably discharged veterans, ch 579 (no 2).

Parks.

State parks.

Rate discounts, ch 521 (no 2).

Professional licenses.

Veterans' credits towards educational qualifications for licensing, ch 222 (no 2).

Public officers and employees.

Leaves of absence.

Sick leave.

State employees.

Veterans with service-connected disability, ch 427 (no 2).

Scholarships and grants.

Helping heroes grant, ch 368 (no 2).

VETERANS —Cont'd**Women's veterans day.**

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